

# **EXHIBIT 33**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF NEW JERSEY

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5   IN RE JOHNSON & JOHNSON       )  
6   TALCUM POWDER PRODUCTS       )  
7   MARKETING, SALES PRACTICES,) )  
8   AND PRODUCTS LIABILITY       )MDL NO. 16-2738  
9   LITIGATION                    )(FLW)(LHG)  
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14   --- This is the Oral Deposition of JACK  
15   SIEMIATYCKI, MSc, PhD, taken via Golkow Litigation  
16   Services' Zoom Videoconferencing platform, with all  
17   participants attending remotely, on the 21st day of  
18   September, 2021.

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22   Reported By:   Deana Santedicola, CSR (Ont.), RPR,  
23                                    CRR

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<div> <div>Page 2</div> <div> <p>1 APPEARANCES:</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3</p> <p>4 ASHCRAFT &amp; GEREL, LLP</p> <p>5 PER: Michelle A. Parfitt, Esq.</p> <p>6 James Green, Esq.</p> <p>7 1825 K Street NW,</p> <p>8 Suite 700</p> <p>9 Washington, DC 20006</p> <p>10 Tel. 202.783.6400</p> <p>11 Email: mparfitt@ashcraftlaw.com</p> <p>12</p> <p>13 LEVIN PAPANTONIO RAFFERTY</p> <p>14 PER: Christopher V. Tisi</p> <p>15 316 South Baylen St.</p> <p>16 Pensacola, FL 32502</p> <p>17 Tel. 850.435.7000</p> <p>18 Email: ctisi@levinlaw.com</p> <p>19</p> <p>20 FOR THE DEFENDANTS, JOHNSON &amp; JOHNSON and</p> <p>21 JOHNSON &amp; JOHNSON CONSUMER INC.:</p> <p>22</p> <p>23 TUCKER ELLIS LLP</p> <p>24 PER: Michael C. Zellers, Esq.</p> <p>25 515 South Flower Street</p> </div> <div>Page 3</div> </div>	<div> <div>Page 4</div> <div> <p>1 INDEX OF PROCEEDINGS</p> <p>2</p> <p>3 WITNESS: DR. JACK SIEMIATYCKI</p> <p>4 PAGES</p> <p>5 EXAMINATION BY MR. ZELLERS..... 8 - 160</p> <p>6 EXAMINATION BY MS. PARFITT..... 160 - 164</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div> <div>Page 5</div> </div>
<div> <div>Page 3</div> <div> <p>1 42nd Floor</p> <p>2 Los Angeles, California 90071</p> <p>3 Tel. 213.430.3400</p> <p>4 Email: michael.zellers@tuckerellis.com</p> <p>5</p> <p>6 FAEGRE DRINKER BIDDLE &amp; REATH LLP</p> <p>7 PER: Eric M. Friedman, Esq.</p> <p>8 300 North Meridian Street</p> <p>9 Suite 2500</p> <p>10 Indianapolis, Indiana 46204</p> <p>11 Tel. 317.237.0300</p> <p>12 Email: eric.friedman@faegredrinker.com</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div> <div>Page 5</div> </div>	<div> <div>Page 5</div> <div> <p>1 INDEX OF EXHIBITS</p> <p>2</p> <p>3 NO. DESCRIPTION PAGE/LINE</p> <p>4</p> <p>5 1 Deposition Notice and document request 9:21</p> <p>6 of Jack Siemiatycki, MSc, PhD, tab 1</p> <p>7 Deposition Exhibit Binder Volume 1,</p> <p>8 tab 1.</p> <p>9 2 Amended Expert Report of Jack 10:24</p> <p>10 Siemiatycki, MSc, PhD, dated June 30, 2021,</p> <p>11 tab 4, Deposition Exhibit Binder Volume 1.</p> <p>12 3 Red-Lined amended report of Jack 11:11</p> <p>13 Siemiatycki, MSc, PhD, dated June 30, 2021,</p> <p>14 tab 5, Deposition Exhibit Binder Volume 1.</p> <p>15 4 Curriculum Vitae of Jack Siemiatycki, 12:13</p> <p>16 tab 7, Deposition Exhibit Binder Volume 1.</p> <p>17 5 Exhibit C to amended report of J. 13:9</p> <p>18 Siemiatycki, tab 8 of Deposition Exhibit</p> <p>19 Binder Volume 1.</p> <p>20 6 Document entitled Additional Materials 14:6</p> <p>21 Considered by Dr. Jack Siemiatycki, tab 9,</p> <p>22 Deposition Exhibit Binder Volume 1.</p> <p>23 7 Binder 1 of documents produced by 16:20</p> <p>24 counsel for Plaintiffs on September 17,</p> <p>25 2021, in response to the Deposition Notice.</p> </div> <div>Page 5</div> </div>

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<p>1 8 Binder 2 of documents produced by 16:24</p> <p>2 counsel for Plaintiffs on September 17,</p> <p>3 2021, in response to the Deposition Notice.</p> <p>4 9 Invoices of JS EpiTech Inc. (Jack 22:23</p> <p>5 Siemiatycki, Ph.D.) tab 34, Deposition</p> <p>6 Exhibit Binder Volume 3.</p> <p>7 10 Letter to Judge Pisano dated April 5, 41:17</p> <p>8 2019, tab 11 of the binder.</p> <p>9 11 April 17, 2019, letter to Judge Pisano 60:2</p> <p>10 from Ms. Parfitt attaching several</p> <p>11 additional communications between Dr.</p> <p>12 Siemiatycki and Mr. Hancock, tab 12,</p> <p>13 Deposition Exhibit Binder Volume 1.</p> <p>14 12 April 21st Health Canada Screening 69:6</p> <p>15 Assessment, tab 23, Deposition Exhibit</p> <p>16 Binder Volume 1.</p> <p>17 13 NCI - Ovarian, Fallopian Tube, and 79:4</p> <p>18 Primary Perineal Cancer Prevention (PDQ),</p> <p>19 tab 43, Deposition Exhibit Binder Volume 3.</p> <p>20 14 Wentzensen 2021 article, tab 40, 105:9</p> <p>21 Deposition Exhibit Binder Volume 3.</p> <p>22 15 2013 Terry study, tab 38, Deposition 109:14</p> <p>23 Exhibit Binder Volume 3.</p> <p>24 16 2020 O'Brien study, tab 30 in 110:2</p> <p>25 Deposition Exhibit Binder Volume 3.</p>	<p>1 -- Upon commencing at 10:04 a.m.</p> <p>2</p> <p>3 JACK SIEMIATYCKI, MSc, PhD; AFFIRMED.</p> <p>4 EXAMINATION BY MR. ZELLERS:</p> <p>5 Q. Please state your name for the</p> <p>6 record.</p> <p>7 A. My name is Jack Siemiatycki.</p> <p>8 Q. Dr. Siemiatycki, my name is</p> <p>9 Michael Zellers, and I am going to ask you some</p> <p>10 questions today on behalf of the J&amp;J Defendants in</p> <p>11 the talc ovarian cancer MDL proceeding; do you</p> <p>12 understand that?</p> <p>13 A. Yes, I do.</p> <p>14 Q. I understand from counsel for the</p> <p>15 Plaintiffs that at the outset you need to make a</p> <p>16 statement or a correction to your report?</p> <p>17 A. Yes, that is true.</p> <p>18 Q. Please do that.</p> <p>19 A. Thank you. So on re-reading my</p> <p>20 report a few days ago, I noticed a typo that I want</p> <p>21 to correct, and that is on page 40 of my report,</p> <p>22 the report dated June 30, 2021, okay, on line -- in</p> <p>23 the first paragraph, line 8, it begins: Table 2,</p> <p>24 all of the RRs are in Figure 1 and all of the RRs</p> <p>25 in Figure 1 are to the left of the null value.</p>
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<p>1 17 Cramer 2016 study, tab 18, Exhibit 115:2</p> <p>2 Binder Volume 1.</p> <p>3 18 Dr. Gossett's article titled "Use of 130:7</p> <p>4 Powder in the Genital Area and Ovarian</p> <p>5 Cancer Risk, Examining the Evidence", tab</p> <p>6 22, Deposition Exhibit Binder Volume 1.</p> <p>7 19 Davis and Schildkraut 2021 study, tab 144:13</p> <p>8 19, Deposition Exhibit Binder 1.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 It should be "to the right of the null value".</p> <p>2 Q. All right, we will note that</p> <p>3 correction, and thank you for that. Any reason we</p> <p>4 cannot -- yes, Ms. Parfitt?</p> <p>5 MS. PARFITT: Michael, what I would</p> <p>6 do -- Mr. Zellers, what I would do at this point in</p> <p>7 time, we will at the conclusion of the deposition</p> <p>8 and before the reporter finalizes this deposition,</p> <p>9 we will make a correction on that report or ask Dr.</p> <p>10 Siemiatycki to do that and substitute a correct</p> <p>11 report page 40, if that is fine with counsel.</p> <p>12 MR. ZELLERS: Yes, that is perfectly</p> <p>13 acceptable.</p> <p>14 MS. PARFITT: Thank you.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. Dr. Siemiatycki, please take a</p> <p>17 look at the Deposition Exhibit Binder, Volume 1,</p> <p>18 and tab 1, we'll mark that as Exhibit 1 to this</p> <p>19 deposition. It is the Deposition Notice and the</p> <p>20 document request.</p> <p>21 EXHIBIT NO. 1: Deposition Notice</p> <p>22 and document request of Jack</p> <p>23 Siemiatycki, MSc, PhD, tab 1</p> <p>24 Deposition Exhibit Binder Volume 1,</p> <p>25 tab 1.</p>

<p style="text-align: right;">Page 10</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. Do you see that, Doctor?</p> <p>3 A. Yes, I do.</p> <p>4 Q. And did you receive that Notice of</p> <p>5 Deposition and Request for Documents prior to your</p> <p>6 deposition here today?</p> <p>7 A. Yes, I did.</p> <p>8 Q. You will see that, if you look at</p> <p>9 Schedule "A", there were a number of documents to</p> <p>10 be produced. Do you know whether or not all of the</p> <p>11 responsive documents have been produced, as called</p> <p>12 for in Deposition Exhibit 1?</p> <p>13 A. To the best of my knowledge and</p> <p>14 recollection, all of them have been produced.</p> <p>15 Q. Are there any documents that are</p> <p>16 responsive to the Deposition Notice, and</p> <p>17 specifically the Request for Documents, that have</p> <p>18 not been provided by you to the extent they are</p> <p>19 available to counsel for Plaintiffs?</p> <p>20 A. No, I don't think so.</p> <p>21 Q. Let's mark as Deposition Exhibit 2</p> <p>22 your amended report, and that is tab 4 in</p> <p>23 Deposition Exhibit Binder Volume 1.</p> <p>24 EXHIBIT NO. 2: Amended Expert Report</p> <p>25 of Jack Siemiatycki, MSc, PhD, dated</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Each time I am asked to send my</p> <p>2 CV, I go over -- well, certainly there are updates</p> <p>3 between one and another because I produce things</p> <p>4 regularly and I do things regularly.</p> <p>5 And depending on the purpose of the CV</p> <p>6 and the request, I may make other modifications</p> <p>7 that I think are appropriate in the context.</p> <p>8 Q. All right. Well, let's mark for</p> <p>9 purposes of this deposition the most recent</p> <p>10 curriculum vitae that was produced to us, and that</p> <p>11 will be marked as Exhibit 4, and it is tab 7 in the</p> <p>12 Deposition Exhibit Binder Volume 1.</p> <p>13 EXHIBIT NO. 4: Curriculum Vitae of</p> <p>14 Jack Siemiatycki, tab 7, Deposition</p> <p>15 Exhibit Binder Volume 1.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. So, Dr. Siemiatycki, can you take</p> <p>18 a quick look and just verify that that is your most</p> <p>19 up-to-date and current curriculum vitae?</p> <p>20 A. Yes. Yes, I think it is.</p> <p>21 Q. Are there any additions or</p> <p>22 corrections that need to be made to that curriculum</p> <p>23 vitae?</p> <p>24 A. No, not -- none that necessarily</p> <p>25 need to be made. No, thank you.</p>
<p style="text-align: right;">Page 11</p> <p>1 June 30, 2021, tab 4, Deposition</p> <p>2 Exhibit Binder Volume 1.</p> <p>3 MR. ZELLERS: So your amended report is</p> <p>4 Exhibit 2, and we will substitute in the page that</p> <p>5 Ms. Parfitt has requested and that you have</p> <p>6 requested prior to finalizing the exhibits.</p> <p>7 Exhibit 3 to this deposition will be a</p> <p>8 red-lined amended report dated June 30 of 2021, and</p> <p>9 that is tab 5 in Deposition Exhibit Binder Volume</p> <p>10 1.</p> <p>11 EXHIBIT NO. 3: Red-lined amended</p> <p>12 report of Jack Siemiatycki, MSc, PhD,</p> <p>13 dated June 30, 2021, tab 5,</p> <p>14 Deposition Exhibit Binder Volume 1.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. So, Dr. Siemiatycki, what Exhibit</p> <p>17 3 is, is a comparison of your amended report to the</p> <p>18 original report that you prepared in November of</p> <p>19 2018.</p> <p>20 I have a couple of curriculum vitas,</p> <p>21 one that was provided with your report, the amended</p> <p>22 report, June 30, 2021, and then what looks to be a</p> <p>23 revised curriculum vitae that was produced on or</p> <p>24 about September I think 17th of 2021. Are those</p> <p>25 two CVs different, if you are aware?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. All right, none that would be</p> <p>2 relevant, at least in your view, to the issues we</p> <p>3 are discussing today; is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Let's mark Exhibit C to your</p> <p>6 amended report as a separate exhibit, and we'll</p> <p>7 mark that as Exhibit 5, and that is tab 8 of the</p> <p>8 Deposition Exhibit Binder Volume 1.</p> <p>9 EXHIBIT NO. 5: Exhibit C to amended</p> <p>10 report of J. Siemiatycki, tab 8 of</p> <p>11 Deposition Exhibit Binder Volume 1.</p> <p>12 BY MR. ZELLERS:</p> <p>13 Q. So do you see that document?</p> <p>14 A. I do see that.</p> <p>15 Q. And this is titled "Additional</p> <p>16 Materials Considered for Jack Siemiatycki Ph.D.";</p> <p>17 is that right?</p> <p>18 A. That's correct.</p> <p>19 Q. Is it your understanding and</p> <p>20 recollection that this also was attached as Exhibit</p> <p>21 C to your amended report dated June 30 of 2021?</p> <p>22 A. Yes, I believe it was.</p> <p>23 Q. Dr. Siemiatycki, we received then</p> <p>24 a notice of additional materials that you</p> <p>25 considered, and we'll mark that listing of</p>

<p style="text-align: right;">Page 14</p> <p>1 additional materials considered, and I assume this</p> <p>2 is beyond what we just marked as Exhibit 5. We'll</p> <p>3 mark that listing of additional materials as</p> <p>4 Exhibit 6, and that is tab 9 in the Deposition</p> <p>5 Exhibit Binder Volume 1.</p> <p>6 EXHIBIT NO. 6: Document entitled</p> <p>7 Additional Materials Considered by Dr.</p> <p>8 Jack Siemiatycki, tab 9, Deposition</p> <p>9 Exhibit Binder Volume 1.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. So can you take just a quick look</p> <p>12 at what we have marked as Exhibit 6.</p> <p>13 A. Are you now referring again to</p> <p>14 Exhibit C?</p> <p>15 Q. No.</p> <p>16 A. All right.</p> <p>17 Q. And it is a bit confusing because</p> <p>18 those documents have the same title, but Exhibit 5</p> <p>19 is what was Exhibit C to your report. Exhibit 6,</p> <p>20 which we have just marked, is tab 9 in the</p> <p>21 Deposition Exhibit Binder 1.</p> <p>22 A. Okay.</p> <p>23 Q. All right. Have you seen this</p> <p>24 listing of additional materials considered, the</p> <p>25 second one that we have marked as Exhibit 6,</p>	<p style="text-align: right;">Page 16</p> <p>1 your amended report, MDL report, your original</p> <p>2 November 2018 MDL report, and anything additional</p> <p>3 that you may tell me today in response to</p> <p>4 questioning. Is that your understanding as well?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. All right. Finally, there were</p> <p>7 two large binders of documents that were produced</p> <p>8 in response to the Deposition Notice by counsel for</p> <p>9 the Plaintiffs, and so those are the two large</p> <p>10 binders that were provided to you.</p> <p>11 Ms. Court Reporter, I'll mark for the</p> <p>12 record as Deposition Exhibit 7 and 8 the two</p> <p>13 binders of documents that were produced by counsel</p> <p>14 for Plaintiffs on September 17, 2021, in response</p> <p>15 to the Deposition Notice, and those documents, Dr.</p> <p>16 Siemiatycki, are in the large binders behind you.</p> <p>17 I think you can assume that for the time being. If</p> <p>18 there is anything specific that I want you to pull</p> <p>19 out, then I will ask you to do that.</p> <p>20 EXHIBIT NO. 7: Binder 1 of documents</p> <p>21 produced by counsel for Plaintiffs on</p> <p>22 September 17, 2021, in response to the</p> <p>23 Deposition Notice.</p> <p>24 EXHIBIT NO. 8: Binder 2 of documents</p> <p>25 produced by counsel for Plaintiffs on</p>
<p style="text-align: right;">Page 15</p> <p>1 before?</p> <p>2 A. I have seen these articles</p> <p>3 recently, yes.</p> <p>4 Q. My understanding is that these</p> <p>5 materials that are identified on Exhibit 6 are</p> <p>6 materials that were provided to you after you had</p> <p>7 completed your June 30, 2021 amended report; is</p> <p>8 that right?</p> <p>9 A. That's correct.</p> <p>10 Q. Did you review all of these</p> <p>11 materials?</p> <p>12 A. Not before finalizing my report,</p> <p>13 obviously, but I have reviewed all of these</p> <p>14 materials.</p> <p>15 Q. All right, since you finalized</p> <p>16 your report, your amended report that we marked as</p> <p>17 Exhibit 2; correct?</p> <p>18 A. Correct.</p> <p>19 Q. Do any of these materials change</p> <p>20 or alter any of the opinions that you have set</p> <p>21 forth in your amended report?</p> <p>22 A. No. No, they don't.</p> <p>23 Q. My understanding is that the</p> <p>24 opinions that you expect to testify to at any trial</p> <p>25 or hearing in this matter would be set forth in</p>	<p style="text-align: right;">Page 17</p> <p>1 September 17, 2021, in response to the</p> <p>2 Deposition Notice.</p> <p>3 BY MR. ZELLERS:</p> <p>4 Q. But my question is, there is a</p> <p>5 total of 23 documents that are contained in those</p> <p>6 binders, Exhibits 7 and 8, that were produced to</p> <p>7 the Defendants in advance of your deposition. Did</p> <p>8 you have a role in selecting those documents that</p> <p>9 were produced, or was that something that was done</p> <p>10 by counsel for Plaintiffs?</p> <p>11 A. I didn't have a role. I didn't</p> <p>12 select, so I am not sure what is there exactly.</p> <p>13 Q. All right. Looking at the</p> <p>14 documents that were produced in accordance or in</p> <p>15 response to the Deposition Notice, there are three</p> <p>16 large reports by Dr. Longo. My understanding is</p> <p>17 you have reviewed a number of reports of Dr. Longo;</p> <p>18 is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Do you review those reports page</p> <p>21 by page, or do you skim through those reports?</p> <p>22 A. I would say it is a mixture of</p> <p>23 those two modus operandi. When I look at the</p> <p>24 nature of the document, if I feel that it is very</p> <p>25 technical in terms of the testing methods, I will</p>

<p style="text-align: right;">Page 18</p> <p>1 skim over those parts because it is beyond my area                  2 of expertise. I'll look at the conclusions, and                  3 between looking at the conclusions and skimming                  4 over the technical parts, I try to get a sense of                  5 what the author tried to do and how he interprets                  6 the results.</p> <p>7 Q. You have reviewed many, many, many                  8 documents in connection with the talc litigation;                  9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. All of the documents that are                  12 listed today we are going to talk about your                  13 additional materials considered list, Exhibit C to                  14 your amended report, which we have marked as                  15 Exhibit 5 to this deposition and then also those                  16 seven or so documents that you were sent after your                  17 report, which we have marked as Exhibit 6. Is                  18 it fair -- first question is, have you reviewed all                  19 of the materials in some way that are on those                  20 lists?</p> <p>21 A. I didn't personally assemble the                  22 list. I asked -- there are -- every article that                  23 is referenced in my bibliography of my report I                  24 reviewed personally. For the other documents,                  25 these were documents that were sent to me by</p>	<p style="text-align: right;">Page 20</p> <p>1 personally and intensively reviewed that came from                  2 some of the non-public documents, and those                  3 were -- the ones I recall offhand had to do with                  4 company documents, correspondence, or reports about                  5 the presence of talc and the composition of talc                  6 going back in time. And some of that material                  7 influenced how I viewed the published public domain                  8 information.</p> <p>9 BY MR. ZELLERS:                  10 Q. Doctor --                  11 A. Yes, sorry, go ahead.                  12 Q. Have you finished your answer?                  13 A. I was going to say, I am not -- I                  14 wouldn't categorically say that none of the other                  15 unpublished material that was sent to me that                  16 I -- none of that influenced how I see this whole                  17 picture, but I feel like almost everything that I                  18 needed was available in one way or another, in one                  19 form or another, in the publicly available domain.</p> <p>20 Q. You are not an expert in asbestos;                  21 correct?</p> <p>22 A. I have done research on asbestos,                  23 and I have been involved with asbestos and cancer                  24 issues for a long time, not in relation to talc or                  25 contamination of talc with asbestos. That has not</p>
<p style="text-align: right;">Page 19</p> <p>1 counsel, and the degree and the intensity of review                  2 would be variable, and I did not make notes of the                  3 extent to which I reviewed each one. I made a                  4 judgment call about whether it was useful for me to                  5 spend time reviewing document "x" or pass on to                  6 document "y" and so on.</p> <p>7 Q. In your first deposition that was                  8 taken in January of 2019, you made a distinction                  9 between publicly available materials and materials                  10 that were not publicly available but which were                  11 provided to you by counsel for the Plaintiffs. Do                  12 you recall that distinction?</p> <p>13 A. I understand the distinction. I                  14 don't recall the discussion about it.</p> <p>15 Q. Understood. Here is my new                  16 question for you. Did you rely on any of the                  17 non-public documents that were provided to you in                  18 rendering your opinion in this matter?</p> <p>19 MS. PARFITT: Objection to form.</p> <p>20 THE WITNESS: My recollection is that                  21 my opinion about talc and ovarian cancer is almost                  22 exclusively based on the publicly available                  23 material that I personally read and reviewed and                  24 pondered, but there were ancillary issues that                  25 influenced how I considered the evidence that I</p>	<p style="text-align: right;">Page 21</p> <p>1 been an area of research or expertise, but I have                  2 been involved in cancer -- in asbestos cancer                  3 research.</p> <p>4 Q. Understood. With respect to the                  5 identification of asbestos in a product, you are                  6 not involved or have you been trained with respect                  7 to asbestos testing; is that right?</p> <p>8 A. That's correct.</p> <p>9 MS. PARFITT: Objection to form.</p> <p>10 BY MR. ZELLERS:                  11 Q. You understood and you have                  12 reviewed reports from Dr. Longo; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. As of the time of your initial MDL                  15 deposition back in January of 2019, you said at                  16 that time that you were not capable of adjudicating                  17 between the experts for the Plaintiff on asbestos                  18 and the experts for the Defence on asbestos. Is                  19 that still your opinion today?</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: Essentially, yes, that I                  22 am capable of ascertaining whether there is a                  23 consensus among experts on topics that I am not                  24 expert in myself, and I am capable of ascertaining                  25 whether there are differences of opinion among</p>



<p>Page 22</p> <p>1 experts in a domain that I am not expert in.</p> <p>2 BY MR. ZELLERS:</p> <p>3 Q. You understand on the issue of</p> <p>4 asbestos and whether or not asbestos has or has not</p> <p>5 been found in Johnson &amp; Johnson talc products, that</p> <p>6 there are experts on the Plaintiff side,</p> <p>7 specifically Dr. Longo and Dr. Rigler, and there</p> <p>8 are experts on the Defence side; is that right?</p> <p>9 A. Yes.</p> <p>10 MS. PARFITT: Objection to the form.</p> <p>11 BY MR. ZELLERS:</p> <p>12 Q. You are not wading into that arena</p> <p>13 in terms of trying to determine whether the</p> <p>14 Plaintiff experts are correct or the Defence</p> <p>15 experts are correct; is that right?</p> <p>16 A. That's correct.</p> <p>17 MS. PARFITT: Objection to form.</p> <p>18 BY MR. ZELLERS:</p> <p>19 Q. One of the documents that I would</p> <p>20 like to quickly mark and ask you about are your</p> <p>21 invoices. We'll mark your invoices as Deposition</p> <p>22 Exhibit 9.</p> <p>23 EXHIBIT NO. 9: Invoices of JS EpiTech</p> <p>24 Inc. (Jack Siemiatycki, Ph.D.) tab 34,</p> <p>25 Deposition Exhibit Binder Volume 3.</p> <p>Page 23</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. And those are found at tab 34,</p> <p>3 Deposition Exhibit Binder Volume 2. I think that</p> <p>4 is incorrect. I believe it is Deposition Exhibit</p> <p>5 Binder number 3, tab 34. Do you see those</p> <p>6 invoices, Doctor?</p> <p>7 A. I do, sir.</p> <p>8 Q. And those are the invoices that</p> <p>9 you have submitted to the Plaintiffs in the MDL</p> <p>10 litigation; is that right?</p> <p>11 A. Yes, it is.</p> <p>12 Q. It refers to JS EpiTech Inc.; is</p> <p>13 that your company?</p> <p>14 A. Yes, it is.</p> <p>15 Q. Do these invoices, along with the</p> <p>16 two invoices that were produced at your first MDL</p> <p>17 deposition, represent all of the time that you have</p> <p>18 spent on the talc litigation working with</p> <p>19 Plaintiffs' counsel?</p> <p>20 A. I am just looking at the dates on</p> <p>21 these things, if you give me a minute.</p> <p>22 Yes, I would say these -- this</p> <p>23 constitutes the entire list up to that date, yes.</p> <p>24 Q. The ending date is June 17th of</p> <p>25 2021; is that correct?</p>	<p>Page 24</p> <p>1 A. Yes, I see that.</p> <p>2 Q. Looking at all six of your</p> <p>3 invoices, these four invoices we have marked as</p> <p>4 Exhibit 9 and the first two invoices that were</p> <p>5 discussed at your first deposition, shows that you</p> <p>6 have worked 377 hours at \$450 an hour and that you</p> <p>7 have been paid just under \$170,000. Does that all</p> <p>8 seem right?</p> <p>9 A. It seems right, yes.</p> <p>10 Q. I don't see that there are any</p> <p>11 individuals for your company that are billed</p> <p>12 separately. You do have individuals who assist you</p> <p>13 in terms of reviewing documents and helping you</p> <p>14 with reports and whatnot; is that correct?</p> <p>15 A. That's correct.</p> <p>16 MS. PARFITT: Objection to form.</p> <p>17 BY MR. ZELLERS:</p> <p>18 Q. All right. Are those folks</p> <p>19 included within the \$450 an hour that you charge,</p> <p>20 or are there separate billings for those</p> <p>21 individuals?</p> <p>22 A. There are no separate billings. I</p> <p>23 roll their time into and their charges into this.</p> <p>24 But it is very minimal. It is probably less</p> <p>25 than -- I don't know, I was going to say 1 percent</p> <p>Page 25</p> <p>1 of the total, but it is in the single digits</p> <p>2 percent of the total.</p> <p>3 Q. Who in your office assisted you</p> <p>4 with reviewing materials since your original report</p> <p>5 in November of 2018 up until the present time?</p> <p>6 A. Nobody. Nobody assists me in</p> <p>7 reviewing materials. I do that myself.</p> <p>8 Q. Did anyone assist you in term of</p> <p>9 preparing your report, your amended report, Exhibit</p> <p>10 2 to this deposition?</p> <p>11 A. There are two tasks that I ask</p> <p>12 other people to carry out. One is to carry out the</p> <p>13 mechanics of the meta-analyses that I carry out, so</p> <p>14 I will -- I have a research assistant who is very</p> <p>15 familiar with the software and with my</p> <p>16 instructions, and I only need to send her a list of</p> <p>17 the studies that are involved, a list of the</p> <p>18 results, the published results from those studies,</p> <p>19 and I would ask her to carry out a meta-analysis</p> <p>20 with fixing certain parameters of that analysis,</p> <p>21 and she would send me back -- she would perform the</p> <p>22 analysis, and she would send me back the output</p> <p>23 from the meta-analysis program that I then take and</p> <p>24 from which I create the tables that would appear in</p> <p>25 my report.</p>
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<p style="text-align: right;">Page 26</p> <p>1 Q. Dr. Siemiatycki, who is that                  2 person?                  3 A. Her name is Mengting Xu, X-u.                  4 Q. Do you have an estimate of the                  5 amount of time that Ms. Xu has spent in terms of                  6 your meta-analysis and updating the meta-analysis                  7 for purposes of your amended report?                  8 A. Not off the top of my head, but if                  9 you give me a minute, I can --                  10 Q. Dr. Siemiatycki, all I need to                  11 know is whether you, you know, know that off the                  12 top of your head or not. Let me ask you a second                  13 question. Were there any other folks in your                  14 office that assisted in the preparation of the                  15 amended report or any update to your meta-analysis?                  16 A. Yes, so the other person in my                  17 team who assists with this is Leslie Richardson,                  18 and she does two things. She has in the past                  19 extracted -- from the studies that I identify as                  20 being relevant to this issue, she extracts all the                  21 results that are published in those studies and                  22 puts them into a database, into a database program                  23 called FileMaker, from which she creates Excel                  24 files that she sends me.                  25 So it is a task of looking at the</p>	<p style="text-align: right;">Page 28</p> <p>1 of the documents that they have ever sent me, and                  2 that is the starting point, I think, for that list.                  3 Q. Your invoices do not say anything                  4 about the specific work that you did during that                  5 time period. Is that your practice, or is that                  6 something that you were instructed to omit by the                  7 counsel for Plaintiffs in this case?                  8 MS. PARFITT: Objection to form.                  9 THE WITNESS: I didn't receive any                  10 instructions of how to present my invoices, and no,                  11 I didn't think to do it any other way than the way                  12 I did it.                  13 BY MR. ZELLERS:                  14 Q. Is that typically the way you bill                  15 for your services of your company, to give no                  16 description of what you did during a particular                  17 time period?                  18 A. Well, the description --                  19 MS. PARFITT: Objection to form.                  20 THE WITNESS: The description is --                  21 MS. PARFITT: Thank you, Doctor.                  22 THE WITNESS: I'm sorry, I'm sorry.                  23 The description is in the description of the claim,                  24 and the work done that I indicate encapsulates                  25 everything that was done.</p>
<p style="text-align: right;">Page 27</p> <p>1 article and, without any judgment or selection or                  2 screening, take every single result of a relative                  3 risk estimate from any study that I identify, and                  4 she puts it into this database. It is from that                  5 that we then assemble lists of studies to be                  6 included in meta-analyses.                  7 And the other thing that Leslie                  8 Richardson does for me is helps with the layout of                  9 documents and tables in documents, so she is very                  10 capable of -- more capable than me certainly of                  11 manipulating Word documents and creating tables                  12 that are attractive enough to be understood. And                  13 so she performs that function for me as well.                  14 Q. All right. Dr. Siemiatycki, did                  15 you work with anyone at any of the offices for the                  16 Plaintiffs' counsel in this matter in the                  17 preparation of your amended report?                  18 A. No, I didn't.                  19 Q. The listing of additional                  20 materials, the first listing of additional                  21 materials which we marked as Exhibit 5, did counsel                  22 for Plaintiffs assist with that?                  23 A. Yes. Yes, they did.                  24 Q. All right.                  25 A. I mean, I asked them to list all</p>	<p style="text-align: right;">Page 29</p> <p>1 BY MR. ZELLERS:                  2 Q. Doctor, do you have an estimate to                  3 the amount of time you have spent with respect to                  4 the talc litigation since June 17th of 2021, just                  5 in terms of hours?                  6 A. So I don't have this sort of                  7 formally available, but I am guessing that it would                  8 now be in the order of 20 hours or 30 hours or                  9 maybe -- something in the order of 20 to 30.                  10 Q. Since June 17 of 2021 when your                  11 last invoice was sent; is that right?                  12 A. Yes.                  13 Q. I understand that you have done                  14 work in the talc litigation for matters other than                  15 the MDL proceeding; is that correct?                  16 MS. PARFITT: Objection to form, vague.                  17 THE WITNESS: Yes.                  18 BY MR. ZELLERS:                  19 Q. You gave a deposition back in 2016                  20 in a matter Oules, O-u-l-e-s. You testified at a                  21 state court trial in California, the Echeverria                  22 trial in 2017. Are those matters included in the                  23 377 hours that you had billed in this matter up and                  24 through June 17 of 2021, or would those be                  25 additional billings to other lawyers?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. They would be additional billings.</p> <p>2 Q. What lawyers have you billed time</p> <p>3 for in the talc litigation other than the MDL</p> <p>4 lawyers that are here today; do you recall offhand?</p> <p>5 A. Is that privileged information? I</p> <p>6 am not sure. Can I answer -- is that --</p> <p>7 Q. Well, I guess the question number</p> <p>8 one is do you recall what lawyers you have worked</p> <p>9 with generally?</p> <p>10 A. Yes.</p> <p>11 Q. All right. Have you worked on</p> <p>12 matters other than the Oules litigation and the</p> <p>13 Echeverria litigation? Are there additional</p> <p>14 matters that you have worked on?</p> <p>15 MS. PARFITT: Objection to -- Dr.</p> <p>16 Siemiatycki, with regard to any situations where</p> <p>17 you have been a consultant, that is not the</p> <p>18 question. This is where you have been retained --</p> <p>19 MR. ZELLERS: Well, Ms. --</p> <p>20 MS. PARFITT: Let me just finish --</p> <p>21 retained and actually presented. Go ahead, Mr.</p> <p>22 Zellers.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. Ms. Parfitt, my question is a</p> <p>25 little bit different.</p>	<p style="text-align: right;">Page 32</p> <p>1 and the MDL matter?</p> <p>2 A. That I have been named to the</p> <p>3 Court? I don't think --</p> <p>4 Q. All right.</p> <p>5 A. Sorry.</p> <p>6 Q. Thank you. Are there additional</p> <p>7 matters where you have served as a consultant in</p> <p>8 talc litigation other than the three matters that</p> <p>9 we have identified? And that is a yes or a no</p> <p>10 answer.</p> <p>11 A. Yes.</p> <p>12 Q. How many additional matters have</p> <p>13 you billed time on as a consultant? Without</p> <p>14 identifying the name of the matter, without</p> <p>15 identifying the lawyer, just give me the number of</p> <p>16 other, you know, cases in which you are consulting,</p> <p>17 the number?</p> <p>18 A. One.</p> <p>19 Q. One, all right. All right,</p> <p>20 Doctor, that is it for the invoices.</p> <p>21 I want to ask you some questions about</p> <p>22 Exhibit C to your amended report, which we have</p> <p>23 marked separately as Exhibit 5 to this deposition.</p> <p>24 Do you have that in front of you?</p> <p>25 A. We are back to binder Volume 1,</p>
<p style="text-align: right;">Page 31</p> <p>1 MS. PARFITT: I'm sorry.</p> <p>2 BY MR. ZELLERS:</p> <p>3 Q. So, Dr. Siemiatycki, I do not want</p> <p>4 you to divulge the names of any matters in which</p> <p>5 you have done work but you have not been named as</p> <p>6 an expert. I do want you, though, to tell me if</p> <p>7 there are any such matters. So I don't want to</p> <p>8 know the name of the matter. I don't want to know</p> <p>9 the name of the lawyer. I just want to know the</p> <p>10 number of talc matters that you are making separate</p> <p>11 billings for. Are you able to estimate that for me</p> <p>12 or tell me that?</p> <p>13 A. So are you including in that the</p> <p>14 two that you have mentioned that I did before the</p> <p>15 MDL?</p> <p>16 Q. Yes, so the Oules matter would be</p> <p>17 a separate billing; correct?</p> <p>18 A. Correct.</p> <p>19 Q. And the 2017, the Echeverria</p> <p>20 matter would be a separate billing; is that</p> <p>21 correct?</p> <p>22 A. That's correct.</p> <p>23 Q. Are there additional matters in</p> <p>24 which you have been named as an expert that you</p> <p>25 have billed for in addition to those two matters</p>	<p style="text-align: right;">Page 33</p> <p>1 correct?</p> <p>2 Q. Binder Volume 1, tab 8.</p> <p>3 A. Thank you. I am going to keep</p> <p>4 identifying them with the binder and tab number, if</p> <p>5 that is okay with you.</p> <p>6 Q. Well, if there is a need to do</p> <p>7 that, that is fine, but we have identified all of</p> <p>8 the documents in the beginning. And so for the</p> <p>9 Court record, I think it will be easier just to</p> <p>10 refer to the Deposition Exhibit, but if at any time</p> <p>11 you are confused or we need to straighten something</p> <p>12 out, feel free to do so.</p> <p>13 A. Okay. I didn't keep track of how</p> <p>14 you re-identified them, I'm sorry.</p> <p>15 Q. That is good, and I will try to</p> <p>16 direct you as we go along.</p> <p>17 A. Thank you.</p> <p>18 Q. So are you now looking at what was</p> <p>19 Exhibit C and is Exhibit C to your amended report</p> <p>20 which we have marked separately in this</p> <p>21 exhibit -- or in this deposition as Exhibit 5?</p> <p>22 A. Yes. I have it in front of me.</p> <p>23 Q. What is meant by the statement at</p> <p>24 the top "Additional Materials Considered [...]"?</p> <p>25 A. Again, as I indicated before, this</p>

<p style="text-align: right;">Page 34</p> <p>1 list was compiled subsequent to my request to                  2 counsel to make a list of all the materials that                  3 they have sent me that are not in my bibliography.                  4 Q. Your understanding is, is that in                  5 the amended report you have a bibliography, and the                  6 bibliography would be those materials which are                  7 cited in your amended report; is that correct?                  8 A. They may be cited, or they may                  9 be -- certainly all the cited ones should be there,                  10 and there may be some that are important references                  11 that I used that maybe didn't find their way into a                  12 citation, a specific citation, but that I                  13 considered important enough to list as part of the                  14 bibliography.                  15 Q. Does Deposition Exhibit 5 that we                  16 are looking at contain documents that you were                  17 provided both before and after you prepared your                  18 original report in November of 2018?                  19 A. Yes, it does.                  20 Q. Are you able to tell for me, if we                  21 went down this list, what materials are new - and                  22 by "new", I mean provided to you after your                  23 original report - and what materials you had                  24 previously? And just give me a yes or no on that.                  25 A. Sorry, can you ask the question</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I carried out literature reviews                  2 sort of in the standard way, keeping my eyes open                  3 for journal articles that may be relevant to the                  4 topic of ovarian cancer and talc use and looked at                  5 other review articles that have appeared in the                  6 meanwhile to see if there is anything in the                  7 reference lists of those that I may have missed,                  8 that sort of thing.                  9 Q. In addition, counsel for                  10 Plaintiffs in this litigation provided you with                  11 some articles. They provided you with some expert                  12 reports. They provided you with company documents.                  13 Is that fair?                  14 A. Yes, that is fair.                  15 Q. All right. The documents that you                  16 thought were significant or that you relied on in                  17 preparing your amended report, those documents are                  18 referred to or referenced in some form or manner in                  19 your amended report; is that right?                  20 MS. PARFITT: Objection to form,                  21 misstates his testimony.                  22 THE WITNESS: That's correct.                  23 BY MR. ZELLERS:                  24 Q. The other materials that you may                  25 have looked at, may have skimmed, just depending</p>
<p style="text-align: right;">Page 35</p> <p>1 again?                  2 Q. Sure. Looking at Exhibit C, if I                  3 ask you to go down that list, and there is some --                  4 well, it looks like 428 documents, are you able to                  5 identify for me or could you identify for me which                  6 ones you got before your original report was                  7 prepared and which ones you received after your                  8 original report was prepared?                  9 A. Not with -- I couldn't do it with                  10 certainty. I can make pretty good guesses, but I                  11 couldn't do that with certainty, no.                  12 Q. Understood. This document,                  13 Exhibit 5 to the deposition, was prepared by                  14 counsel for the Plaintiffs in the MDL litigation;                  15 correct?                  16 A. Correct.                  17 Q. And you requested that they make a                  18 list of all of the documents that had been provided                  19 to you; is that correct?                  20 A. Yes.                  21 Q. In preparing your amended report,                  22 did you do any updated literature searches, or what                  23 did you do in preparation for the amended report                  24 with respect to collecting new materials or                  25 additional materials?</p>	<p style="text-align: right;">Page 37</p> <p>1 upon what they were, that's what we have listed in                  2 Exhibit 5 and titled "Additional Materials                  3 Considered [...]"; correct?                  4 A. That's correct.                  5 MS. PARFITT: Objection to form.                  6 BY MR. ZELLERS:                  7 Q. With respect to the company                  8 documents that are on your "Materials Considered"                  9 list, is it fair to say you have not reviewed each                  10 and every one of those documents?                  11 A. It is fair to say that I certainly                  12 couldn't affirm that I have reviewed each and every                  13 one of them.                  14 Q. You understand that that's just a                  15 very small subset of documents that have been                  16 produced or provided by the Defendants in this                  17 litigation; is that right?                  18 A. Yes, I do.                  19 MS. PARFITT: Objection to form.                  20 BY MR. ZELLERS:                  21 Q. Is it important when you are                  22 reviewing a medical-legal matter to put things in                  23 context?                  24 A. Of course, as in everything in                  25 life.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. With respect to the company                  2 documents that have been provided to you, do you                  3 understand that those are just the documents that                  4 have been selected by Plaintiffs' counsel?                  5 A. Yes, I understand.                  6 MS. PARFITT: Objection to form.                  7 BY MR. ZELLERS:                  8 Q. And you have not had an                  9 opportunity to review any responsive documents or                  10 additional documents from the companies that would                  11 put what you have been provided into context; is                  12 that right?                  13 MS. PARFITT: Objection to form,                  14 misstates what he has done.                  15 THE WITNESS: I am not sure I would                  16 express it in the way that you have just expressed                  17 it, but --                  18 BY MR. ZELLERS:                  19 Q. Are you aware that millions of                  20 pages of documents have been produced by the J&amp;J                  21 and other Defendants in this litigation?                  22 A. Yes -- well, I am aware -- I                  23 assume that is the case, yes.                  24 Q. Have you made any request to                  25 Plaintiffs' counsel to provide you with additional</p>	<p style="text-align: right;">Page 40</p> <p>1 A. That is a fair statement.                  2 Q. Doctor, a couple of questions                  3 about the MDL proceeding. Since the time of your                  4 first deposition, do you understand that the                  5 parties in the MDL proceeding are conducting                  6 discovery in a small number of potential trial                  7 cases?                  8 A. Sorry, could you repeat that?                  9 Q. Sure. Are you aware that in the                  10 MDL proceeding that the parties are conducting                  11 discovery on a small number of potential trial                  12 cases?                  13 A. Yes, I understand that in general.                  14 I don't have any information about who, where, why,                  15 et cetera, but I understand that in general what                  16 you have just said is the case.                  17 Q. Are you aware of the names of any                  18 of the Plaintiffs in this pool of Plaintiffs that                  19 are being reviewed and worked up?                  20 A. No, I am not.                  21 Q. Have you been provided any medical                  22 records for any of the Plaintiffs in the pool of                  23 potential trial cases?                  24 A. No, I have not been.                  25 Q. Are you aware of the types of</p>
<p style="text-align: right;">Page 39</p> <p>1 company documents that have been produced that may                  2 or may not put the company documents you were                  3 provided into context?                  4 A. So I am not sure --                  5 MS. PARFITT: Objection to form.                  6 THE WITNESS: -- now what you mean by                  7 the phrase "to put things into context". I                  8 certainly understand that there is a lot more                  9 information that I have not been provided. It                  10 would be overwhelming, I am sure, to look at                  11 everything that exists, and I am not sure whether                  12 the documents that I was provided contain enough                  13 information to appreciate the context in which                  14 these documents -- so I certainly would assume that                  15 I have not been sent or made available all possible                  16 documents in the companies or elsewhere.                  17 Whether these documents that were                  18 selected to be sent to me provide appropriate                  19 context or not is a separate issue, and I can't                  20 opine about that.                  21 BY MR. ZELLERS:                  22 Q. Last question on this topic. You                  23 do not regularly rely on internal company documents                  24 for your research and your publications; is that a                  25 fair statement?</p>	<p style="text-align: right;">Page 41</p> <p>1 ovarian cancers that any of the Plaintiffs in the                  2 pool of potential trial cases have?                  3 A. No, I am not aware.                  4 Q. Are you aware of the specific risk                  5 factors that any of the Plaintiffs in the pool of                  6 potential trial cases have?                  7 A. You mean apart from talc exposure                  8 risk factors?                  9 Q. Yes.                  10 A. Yes, no, I am not aware.                  11 Q. Dr. Siemiatacycki, I want to ask you                  12 some questions about your communications relating                  13 to the Taher meta-analysis that was done and Health                  14 Canada. Take a look and we'll mark as Exhibit 10                  15 to this deposition a letter to Judge Pisano dated                  16 April 5th, 2019. It is tab 11 in the binder.                  17 EXHIBIT NO. 10: Letter to Judge Pisano                  18 dated April 5, 2019, tab 11 of the                  19 binder.                  20 BY MR. ZELLERS:                  21 Q. And you may want to take that out                  22 because I am going to have some questions for you                  23 about some of the communications contained in that                  24 exhibit, and it might be easier for you to have it                  25 out of the binder.</p>

<p style="text-align: right;">Page 42</p> <p>1 A. Okay. Okay, thank you.</p> <p>2 Q. So taking a look at what we have</p> <p>3 marked as Deposition Exhibit 10.</p> <p>4 A. 10 or 11? Sorry.</p> <p>5 Q. So it is Deposition Exhibit 10,</p> <p>6 but it is tab 11 in your binder.</p> <p>7 A. Okay.</p> <p>8 Q. I am going to refer to it as</p> <p>9 Deposition Exhibit 10.</p> <p>10 A. Right.</p> <p>11 Q. You have that in front of you; is</p> <p>12 that right?</p> <p>13 A. I do. Yes, that's right.</p> <p>14 Q. If you take a look at the second</p> <p>15 page, this is an email correspondence from you to</p> <p>16 Dr. Krewski, Daniel Krewski, December 13 of 2018;</p> <p>17 is that right?</p> <p>18 A. Yes.</p> <p>19 MS. PARFITT: Objection -- Mr. Zellers,</p> <p>20 excuse me, I'm objecting to the extent it deals</p> <p>21 with a December 13, 2018, communication. Dr.</p> <p>22 Siemiatycki was deposed in 2019. I'll get you the</p> <p>23 precise date of that deposition.</p> <p>24 MR. ZELLERS: Well, Ms. Parfitt, I</p> <p>25 don't --</p>	<p style="text-align: right;">Page 44</p> <p>1 think -- they keep changing names, of course.</p> <p>2 Environment and -- no, no, these are two separate</p> <p>3 departments of the government, Environment Canada</p> <p>4 and Health Canada. I'm sorry, go ahead.</p> <p>5 Q. You wrote to him saying:</p> <p>6 "I saw that Env[ironment]</p> <p>7 Canada and Health Canada are</p> <p>8 proposing to publish an advisory</p> <p>9 regarding talc, and that they cite</p> <p>10 [to a paper] [...] in support of the</p> <p>11 position [...]"</p> <p>12 And that was the Taher paper; is that</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. And at this time, the Taher</p> <p>16 article had not actually been published; is that</p> <p>17 your understanding?</p> <p>18 A. Yes, that is what I infer from my</p> <p>19 wording here, yes.</p> <p>20 Q. And I believe, as you talked at</p> <p>21 your original deposition, Dr. Krewski is a</p> <p>22 colleague and a peer of yours; is that right?</p> <p>23 A. That's correct.</p> <p>24 Q. So you ask Dr. Krewski for a draft</p> <p>25 of the Taher article. Do you recall whether or not</p>
<p style="text-align: right;">Page 43</p> <p>1 MS. PARFITT: Let me --</p> <p>2 MR. ZELLERS: I understand. Well, you</p> <p>3 are not to do speaking objections. You can object</p> <p>4 to form. I understand your objection. I am simply</p> <p>5 using this as foundation for the questions that I</p> <p>6 am going to ask.</p> <p>7 MS. PARFITT: All right, we'll see</p> <p>8 where it goes. Thank you.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. So, Dr. Siemiatycki, this is a</p> <p>11 document that you were asked about at your first</p> <p>12 deposition; is that right?</p> <p>13 A. I guess so.</p> <p>14 Q. Well --</p> <p>15 A. I don't specifically recall every</p> <p>16 document I was asked to comment about in previous</p> <p>17 depositions, so I --</p> <p>18 Q. Just for context for my later</p> <p>19 questions here, you wrote to Dr. Krewski in</p> <p>20 December of 2018 letting him know that you had seen</p> <p>21 the Env Canada -- is that Environmental Canada?</p> <p>22 A. Yes, Environment Canada is the</p> <p>23 name of the department in the government, yes.</p> <p>24 Q. And --</p> <p>25 A. It is actually called -- I</p>	<p style="text-align: right;">Page 45</p> <p>1 you were ever provided a draft of the Taher article</p> <p>2 by Dr. Krewski?</p> <p>3 A. I don't think I was, and I don't</p> <p>4 think he ever responded. I don't recall him ever</p> <p>5 responding to that request.</p> <p>6 Q. Do you recall at any time after</p> <p>7 this December 13, 2018, correspondence, email,</p> <p>8 talking to Dr. Krewski about the Taher</p> <p>9 meta-analysis and article?</p> <p>10 A. No, I don't recall.</p> <p>11 Q. Do you recall talking to any of</p> <p>12 the authors of that publication about the article</p> <p>13 and the meta-analysis that was performed?</p> <p>14 A. No, I don't recall speaking to any</p> <p>15 of them.</p> <p>16 Q. Let's look at this same exhibit,</p> <p>17 Exhibit 10, for the communications that occurred</p> <p>18 after your deposition was taken in January of 2019.</p> <p>19 The next communication, if you take a look, would</p> <p>20 be on page 3 of Exhibit 10, and this is a two-page</p> <p>21 communication that you wrote dated February 6,</p> <p>22 2019, "To whom it may concern at Health Canada"; do</p> <p>23 you see that?</p> <p>24 A. I do see that.</p> <p>25 Q. You testified in your first</p>



<p style="text-align: right;">Page 46</p> <p>1 deposition that you had intended to submit an                  2 opinion to Health Canada. Is this the opinion that                  3 you submitted to Health Canada, or did you submit                  4 something different than this, if you recall?                  5 MS. PARFITT: Objection to form.                  6 THE WITNESS: I think it is the only                  7 thing I submitted, and if I used the word "opinion"                  8 a couple of weeks before sending this, I guess it                  9 was the opinion. I don't know that the word                  10 "opinion" was selected after great judicious                  11 consideration, but yes, I think this is the opinion                  12 that I was thinking about.                  13 BY MR. ZELLERS:                  14 Q. Before sending this letter to                  15 Health Canada February 6 of 2019, did you discuss                  16 it with Plaintiffs' counsel in this matter?                  17 MS. PARFITT: Objection to form.                  18 THE WITNESS: I believe I -- I believe                  19 I did. I believe I communicated with Ms. Parfitt                  20 to ascertain whether my intervening in a public way                  21 in this matter with the Government of Canada would                  22 in any way be -- you know, it was really as a                  23 courtesy. I didn't want her to find out from some                  24 third party that I had done this, so I thought,                  25 well, I'll notify her, see if there are any red</p>	<p style="text-align: right;">Page 48</p> <p>1 Canada. Do you see that?                  2 A. I do.                  3 Q. Do you know who Scott Hancock is?                  4 A. Well, I do now. I didn't know him                  5 before. I didn't know anything about him before.                  6 Q. Have you ever met Mr. Hancock in                  7 person?                  8 A. Not knowingly. I mean, if he went                  9 to meetings that I went to in the past, but no, I                  10 have never met him.                  11 Q. Is the only way that you know                  12 Mr. Hancock at Health Canada through the                  13 communications that you have had relating to talcum                  14 powder with Health Canada?                  15 A. Yes.                  16 Q. Have you ever had a phone call                  17 with Mr. Hancock?                  18 A. Yes, I had a phone call around                  19 this time.                  20 Q. And what did you discuss with                  21 Mr. Hancock in that phone call?                  22 A. If you don't mind, I -- let me                  23 read just these two messages and clarify. It is                  24 not clear in my mind when I spoke to him and what                  25 we spoke about, so this might -- reading this might</p>
<p style="text-align: right;">Page 47</p> <p>1 flags that I should be aware of in doing -- posing                  2 such a gesture. I didn't imagine there would be,                  3 but just to be sure.                  4 BY MR. ZELLERS:                  5 Q. Did you give Ms. Parfitt or any of                  6 her colleagues the opportunity to review your                  7 February 6, 2019, letter to Health Canada before                  8 you actually sent it?                  9 MS. PARFITT: Objection to form.                  10 THE WITNESS: I don't think so.                  11 [Court Reporter intervenes for                  12 clarification.]                  13 THE WITNESS: Okay, I'll do a                  14 two-second pause to give Ms. Parfitt an                  15 opportunity.                  16 BY MR. ZELLERS:                  17 Q. Ms. Parfitt is doing just fine,                  18 but yes, we want to make it --                  19 MS. PARFITT: Thank you, Michael.                  20 BY MR. ZELLERS:                  21 Q. -- easy on the court reporter.                  22 Let's take a look at the next                  23 correspondence. So there is a -- so we are looking                  24 at Exhibit 10. There is a February 18, 2019,                  25 response that you got from Scott Hancock at Health</p>	<p style="text-align: right;">Page 49</p> <p>1 clarify it for me.                  2 Q. All right. And for the record,                  3 you are reading the February 18th, 2019, email from                  4 Scott Hancock to yourself; is that right?                  5 A. Well, I was going to read that one                  6 plus the next two emails. The exchanges of that                  7 day, I guess there were three exchanges that day.                  8 I don't know if the phone call was before those                  9 exchanges or after.                  10 Q. Well, the first email - and please                  11 feel free to read it or to read along - came from                  12 Mr. Hancock at 11:37 a.m., and he was requesting an                  13 "embargoed copy of the information" that you                  14 referenced in your letter of February 6, 2019; is                  15 that right?                  16 A. Sorry, I'm looking for the correct                  17 sequence of these messages, so the 21st -- the 21st                  18 and -- okay, so the message of February 18 seems to                  19 be the first one of that stream; correct?                  20 Q. Yes, and in that -- and let me lay                  21 a little foundation here. You have come to                  22 understand that Mr. Hancock is a senior manager at                  23 Health Canada; is that right?                  24 A. Yes.                  25 Q. Is it your understanding that he</p>

<p style="text-align: right;">Page 50</p> <p>1 was the person responsible for the Health Canada                  2 Talc Screening Assessment?                  3 A. I believe he was. You know,                  4 I -- he didn't -- I don't know. Whatever he said                  5 in this message to identify himself, I guess, is                  6 what I know. I don't know anything more.                  7 Q. Do you understand he is not a                  8 medical doctor?                  9 A. I don't know that for a fact, but                  10 it wouldn't surprise me that -- I guess he would                  11 have signed his name "MD" if he was.                  12 Q. Is it your understanding that he                  13 is also -- Mr. Hancock is not an epidemiologist?                  14 MS. PARFITT: Objection to form.                  15 THE WITNESS: That is what I would have                  16 guessed from the fact that I didn't know him,                  17 but --                  18 BY MR. ZELLERS:                  19 Q. So we understand that Mr. Hancock                  20 acknowledged your communication, that he requested                  21 the "embargoed copy of the information" that you                  22 referenced; is that correct?                  23 A. That's correct.                  24 Q. And then you responded to him on                  25 February 21st of 2019; is that correct?</p>	<p style="text-align: right;">Page 52</p> <p>1 what was discussed?                  2 A. Not really. I think it was around                  3 this time, and I think it might have been to                  4 clarify something in my message to him, but I                  5 honestly can't remember what the discussion was                  6 about. I had to -- I mean, after I heard back from                  7 him asking for the document, I wasn't sure if I was                  8 allowed to send him the document from a litigation                  9 procedure. And so I consulted Ms. Parfitt about                  10 that, and initially she indicated that it would                  11 need them to sign, I guess, what is called a                  12 protective order or something like that, which I                  13 communicated to Hancock.                  14 And then sometime after that,                  15 Ms. Parfitt got back to me and said that --                  16 MS. PARFITT: Objection, Dr.                  17 Siemiatycki, with regard to any communications                  18 between you and myself.                  19 THE WITNESS: That is fine.                  20 MS. PARFITT: You can say I got back to                  21 you.                  22 THE WITNESS: Yes, yes.                  23 BY MR. ZELLERS:                  24 Q. Well, Ms. Parfitt got back to you                  25 and said that a protective order was not necessary</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.                  2 Q. And in that communication, you                  3 told Mr. Hancock that you had "not (yet) drafted a                  4 manuscript for publication", that you had done a                  5 report to the court in November of 2018, and that                  6 you "do intend to submit a manuscript for                  7 publication, but this is not imminent"; is that                  8 correct?                  9 A. That is what I say, yes.                  10 Q. And then Mr. Hancock responded                  11 later that day, February 21st of 2019:                  12 "Thank you [...] for the [...]                  13 response."                  14 And said he would get back to you, and                  15 he would get back to you on your statement that you                  16 would provide him with a copy of your report in                  17 this MDL litigation but only if there was a                  18 protective order that Mr. Hancock and Health Canada                  19 executed. Is that a fair summary?                  20 A. Yes, that is a fair summary.                  21 MS. PARFITT: Objection to form.                  22 BY MR. ZELLERS:                  23 Q. Having gone through that, does                  24 that refresh your recollection as to when you had a                  25 phone call or had phone calls with Mr. Hancock and</p>	<p style="text-align: right;">Page 53</p> <p>1 and that you could go ahead and send your                  2 litigation report to Health Canada; correct?                  3 MS. PARFITT: Objection to form.                  4 THE WITNESS: Well, I guess the correct                  5 answer is that after communication from Ms.                  6 Parfitt, I felt that I -- I understood that I was                  7 able to send them the report and that is what I                  8 did.                  9 BY MR. ZELLERS:                  10 Q. All right, if you take a look at                  11 the same exhibit, Exhibit 10, you wrote to                  12 Mr. Hancock on March 1st of 2019:                  13 "Dear Mr. Hancock                  14 I have had authorization from the                  15 lawyer in the litigation to release                  16 my report to you without having to                  17 sign a 'protective order'.                  18 Consequently, I am pleased to share                  19 the attached report with you."                  20 A. Correct.                  21 Q. Did I read that correctly?                  22 A. Yes, you did.                  23 Q. So as of March 1st of 2019, you                  24 provided your report, your litigation report in                  25 this matter dated November of 2018, to Mr. Hancock</p>



<p style="text-align: right;">Page 54</p> <p>1 and to Health Canada; is that right?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Have you when you do your research</p> <p>4 and you have publications that you author, do you</p> <p>5 ever rely on or reference litigation reports?</p> <p>6 MS. PARFITT: Objection to form.</p> <p>7 THE WITNESS: I don't think I have ever</p> <p>8 done that, so the answer is no.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. When you were --</p> <p>11 MS. PARFITT: Let him just complete his</p> <p>12 answer, Mr. Zellers. I am not sure he completed</p> <p>13 his response.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. Dr. --</p> <p>16 MS. PARFITT: Have you completed, Dr.</p> <p>17 Siemiatycki?</p> <p>18 THE WITNESS: For all intents and</p> <p>19 purposes, I have completed it. No, I have never</p> <p>20 done that.</p> <p>21 BY MR. ZELLERS:</p> <p>22 Q. When you worked with IARC in the</p> <p>23 working groups, 2006 and then 2012, did IARC ever</p> <p>24 rely, to your knowledge, on expert litigation</p> <p>25 reports?</p>	<p style="text-align: right;">Page 56</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. All right. Dr. Siemiatycki, take</p> <p>3 a look in Exhibit 10 at your February 21st, 2019,</p> <p>4 11:25 a.m. email to Mr. Hancock. I believe that is</p> <p>5 on page 5.</p> <p>6 A. Yes.</p> <p>7 Q. At the very -- in the, I guess,</p> <p>8 third paragraph of that communication, you told</p> <p>9 Mr. Hancock that in addition to your litigation</p> <p>10 report of November of 2018, that you do intend to</p> <p>11 submit a manuscript for publication; do you see</p> <p>12 that?</p> <p>13 A. I see that.</p> <p>14 Q. Have you submitted any manuscript</p> <p>15 for publication relating to your opinions on talcum</p> <p>16 powder and ovarian cancer?</p> <p>17 A. No, I haven't.</p> <p>18 Q. You state then that when you do</p> <p>19 submit a manuscript for publication, you are not</p> <p>20 sure if it will contain everything that is in your</p> <p>21 report regarding the possibility of bias. Why</p> <p>22 would you exclude that if you were going to prepare</p> <p>23 a manuscript?</p> <p>24 A. Well --</p> <p>25 MS. PARFITT: Objection to form.</p>
<p style="text-align: right;">Page 55</p> <p>1 MS. PARFITT: Objection to form.</p> <p>2 THE WITNESS: It is certainly not how</p> <p>3 things are normally done. I couldn't say that it</p> <p>4 has never been done in IARC that they have used</p> <p>5 reports from litigation, but I don't think I have</p> <p>6 ever been party to it, and it would be an</p> <p>7 unusual -- there are rules at IARC, in the IARC</p> <p>8 monograph program, about what kind of material can</p> <p>9 be cited and how it should be cited. They allow</p> <p>10 for non-published material to be cited under</p> <p>11 certain circumstances. But I don't recall the</p> <p>12 specific instructions and rules about what can be</p> <p>13 cited and how.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. Do you recall any specific rule at</p> <p>16 IARC that would permit a paid litigation report to</p> <p>17 be cited as authority?</p> <p>18 MS. PARFITT: Objection to form.</p> <p>19 THE WITNESS: I don't recall any rules</p> <p>20 about that. I wouldn't be surprised if in this</p> <p>21 sort of evolving issue of how to deal with conflict</p> <p>22 of interest situations that there may now be rules</p> <p>23 or at least instructions about how this sort of</p> <p>24 thing could or should be handled, but I am not</p> <p>25 aware of it.</p>	<p style="text-align: right;">Page 57</p> <p>1 THE WITNESS: Well, probably the best</p> <p>2 way to answer that is to point you to my report and</p> <p>3 indicate that in my report there is a chapter --</p> <p>4 let me see exactly what it is called and where it</p> <p>5 is. I'm sorry, I'm just looking it up now.</p> <p>6 So section 9.2 of my report going from</p> <p>7 page 54 to 63 contains -- so how many pages is</p> <p>8 that? That is about eight or nine pages</p> <p>9 typescript. It contains information on -- you</p> <p>10 know, pertinent to the issue of biases and errors,</p> <p>11 and that is what I -- the kind of thing that I was</p> <p>12 referring to in my letter to Mr. Hancock that you</p> <p>13 just cited.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. Is that important information?</p> <p>16 MS. PARFITT: Objection to form.</p> <p>17 THE WITNESS: Yes, it is important</p> <p>18 information.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Why is it something that at least</p> <p>21 you told Mr. Hancock you may omit in a publication?</p> <p>22 A. Well, I don't know that I --</p> <p>23 MS. PARFITT: Objection to form.</p> <p>24 Misstates his testimony.</p> <p>25 THE WITNESS: I don't know that I would</p>

<p style="text-align: right;">Page 58</p> <p>1 use the word "omit". I didn't say -- I don't -- I                  2 hope I didn't say to him that I would omit, but in                  3 any case, a typical manuscript that a journal                  4 would -- that is considered receivable by most                  5 journals is between 3,000 and 5,000 words long.                  6 That boils down to roughly between 8 and 12                  7 typescript or 12 and 15 typescript pages.                  8 This section of my report, which is                  9 8 -- approximately 8 pages long in the report would                  10 completely overwhelm my ability to submit a                  11 manuscript to a high impact, high recognizability                  12 journal.                  13 And so what I would do if I were                  14 submitting the manuscript would be to present all                  15 of the material that I have compiled and the                  16 information that I have compiled and boil it down                  17 from the 60 or 70 or 80 pages here in the report to                  18 about 12, maybe 15 maximum, pages. That means you                  19 have got to compress a lot to describe all of the                  20 background to the issue, to describe -- because                  21 most readers are not experts in talc and ovarian                  22 cancer, so there has got to be a section that                  23 introduces the topic to the reader. There has got                  24 to be a section that describes the methods, which                  25 is the meta-analysis that I have done. That is</p>	<p style="text-align: right;">Page 60</p> <p>1 Mr. Hancock.                  2 EXHIBIT NO. 11: April 17, 2019, letter                  3 to Judge Pisano from Ms. Parfitt                  4 attaching several additional                  5 communications between Dr. Siemiatycki                  6 and Mr. Hancock, tab 12, Deposition                  7 Exhibit Binder Volume 1.                  8 BY MR. ZELLERS:                  9 Q. Do you have that in front of you?                  10 A. Yes, I do.                  11 MS. PARFITT: And Mr. Zellers, we don't                  12 have to stop at this point. We have gone about an                  13 hour and 22 minutes, so when it becomes a good                  14 place for both you and Dr. Siemiatycki, perhaps we                  15 take a stretch break here.                  16 MR. ZELLERS: Well, sounds great. Give                  17 us about 10 minutes, if that is okay, Ms. Parfitt.                  18 MS. PARFITT: It is fine with me. Dr.                  19 Siemiatycki?                  20 THE WITNESS: That is fine.                  21 MS. PARFITT: Very good.                  22 BY MR. ZELLERS:                  23 Q. Thank you. So we ended the last                  24 exhibit with you receiving authorization to provide                  25 your litigation report to Mr. Hancock, and you</p>
<p style="text-align: right;">Page 59</p> <p>1 quite complicated. A section on the results,                  2 presenting multiple tables and figures and graphs.                  3 And then a discussion which includes a discussion                  4 of all possible biases and errors. And all that in                  5 12 to 15 pages.                  6 So by necessity, there would be -- have                  7 to be a compression, and that compression is what I                  8 intended to convey to Mr. Hancock would not be --                  9 or at least all of the detail and exposition and                  10 explanation that is in the report cannot be                  11 conveyed in a 10-, 12-page manuscript. So I would                  12 boil it down. It is all important.                  13 If that is your point, yes,                  14 consideration of biases and errors is absolutely                  15 important, and I would never submit a manuscript                  16 without a good discussion of that, but it would                  17 have to be a very concise discussion rather than                  18 the kind that I carried out for this report.                  19 BY MR. ZELLERS:                  20 Q. Dr. Siemiatycki, go to tab 12 in                  21 Deposition Exhibit binder Volume 1. We will mark                  22 this as Exhibit 11 to the deposition, and for                  23 identification, this is an April 17, 2019, letter                  24 to Judge Pisano from Ms. Parfitt, and it attaches                  25 several additional communications that you had with</p>	<p style="text-align: right;">Page 61</p> <p>1 communicated that to him. That was on March 1st of                  2 2019. If we now look at Exhibit 11, we see that                  3 Mr. Hancock responded to you. Let me find -- so I                  4 may be one exhibit behind here.                  5 I'm looking for the March 2nd, 2019,                  6 communication from Mr. Hancock back to you. Do you                  7 see that in Deposition Exhibit 11? Oh, I'm sorry,                  8 yes, so it is on the last page of Exhibit 11. So                  9 the last page is your March 1st, 2019,                  10 communication, and then at the bottom of the -- I                  11 guess it would be third page of the exhibit, on                  12 March 2nd of 2019, Mr. Hancock responds:                  13 "[...] that is great news!                  14 Thank you very Much." And he "will                  15 read [it] with great interest and I                  16 am sure this will be very helpful as                  17 we revise our screening assessment                  18 for final publication."                  19 Did you receive that email from                  20 Mr. Hancock?                  21 A. Yes, it seems that I did.                  22 Q. All right. You understood that                  23 Health Canada was going to rely on your expert                  24 litigation report to revise and finalize their Talc                  25 Screening Assessment; correct?</p>

<p style="text-align: right;">Page 62</p> <p>1 MS. PARFITT: Objection to form.</p> <p>2 THE WITNESS: I did not interpret his</p> <p>3 message as any sort of commitment that they would</p> <p>4 rely on my report, only is that --</p> <p>5 BY MR. ZELLERS:</p> <p>6 Q. He told you it would be of great</p> <p>7 interest.</p> <p>8 A. Yes.</p> <p>9 Q. That it:</p> <p>10 "[...] will be very helpful as</p> <p>11 [Health Canada revises] our</p> <p>12 screening assessment for final</p> <p>13 publication."</p> <p>14 MS. PARFITT: Is that a question?</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. Yes. Is that what he wrote to</p> <p>17 you, Dr. Siemiatycki?</p> <p>18 A. That is what he wrote to me.</p> <p>19 Q. All right. Did you inform</p> <p>20 Mr. Hancock that there were contrary views that</p> <p>21 were expressed by Defence experts?</p> <p>22 MS. PARFITT: Objection to form.</p> <p>23 THE WITNESS: I didn't inform him of</p> <p>24 any other opinions except my own.</p> <p>25 BY MR. ZELLERS:</p>	<p style="text-align: right;">Page 64</p> <p>1 "In writing our final risk</p> <p>2 assessment we may wish to refer to</p> <p>3 some of your points, and would cite</p> <p>4 them as personal communication.....</p> <p>5 [...]"</p> <p>6 Do you see that?</p> <p>7 MS. PARFITT: If you could complete the</p> <p>8 remaining sentence, Mr. Zellers, for context,</p> <p>9 please.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. ".....and I would send you the</p> <p>12 text for your approval before it</p> <p>13 goes anywhere to make sure you are</p> <p>14 comfortable with how we are</p> <p>15 capturing the essence of your</p> <p>16 thoughts without giving away any</p> <p>17 confidential info[rmation].....</p> <p>18 another way around it would be for a</p> <p>19 phone call later on, when we are</p> <p>20 writing the doc, [a]nd I could ask</p> <p>21 you questions over the phone and</p> <p>22 those answers would be the reference</p> <p>23 cited to have another layer between</p> <p>24 the document you shared and what my</p> <p>25 team will be writing. Let me know</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Did you provide Mr. Hancock with</p> <p>2 any reports, litigation reports from the</p> <p>3 Defendants' experts?</p> <p>4 MS. PARFITT: Objection to form.</p> <p>5 THE WITNESS: No, I did not.</p> <p>6 BY MR. ZELLERS:</p> <p>7 Q. Did you at any time provide</p> <p>8 Mr. Hancock with any other materials or expert</p> <p>9 reports, either Plaintiff expert reports or Defence</p> <p>10 expert reports?</p> <p>11 A. No, I didn't. He didn't ask for</p> <p>12 any, and the request from Health Canada to which I</p> <p>13 responded, the generic request that they sent out</p> <p>14 that I responded to, did not ask for anyone to</p> <p>15 compile a list of opinions, only to give their own</p> <p>16 opinions.</p> <p>17 Q. All right. You communicated with</p> <p>18 Mr. Hancock on March 8th of 2019, and I am, again,</p> <p>19 referring to Deposition Exhibit 11, and you asked</p> <p>20 him to keep your litigation report confidential; is</p> <p>21 that right?</p> <p>22 A. Oh, yes, yes, I see that. Yes.</p> <p>23 Q. And then Mr. Hancock responded</p> <p>24 that same day and said "By all means", you know,</p> <p>25 and he said that:</p>	<p style="text-align: right;">Page 65</p> <p>1 if these paths forward would work</p> <p>2 for you, and thanks again for your</p> <p>3 help."</p> <p>4 Did I read that correctly?</p> <p>5 A. Are those dots in my original</p> <p>6 email exchanges, or these are things that you have</p> <p>7 inserted?</p> <p>8 Q. No, I am reading the dots. I may</p> <p>9 have said three or four dots. I think, looking at</p> <p>10 this, there is actually five dots, but I read that</p> <p>11 message correctly; is that right, Dr. Siemiatycki?</p> <p>12 A. Yes, you read what I have in front</p> <p>13 of me. I'm just asking you whether this is</p> <p>14 literally a copy of my correspondence with him or</p> <p>15 if the dots represent some editing that you have</p> <p>16 done to shorten the sentence or to eliminate some</p> <p>17 unessential wording? Do I need to go back to the</p> <p>18 original for any reason to check whether I agree</p> <p>19 with your statement?</p> <p>20 Q. Well, so what I would ask you to</p> <p>21 do is, if there is anything omitted, then I would</p> <p>22 like you to advise Ms. Parfitt, you know, at some</p> <p>23 point after the deposition so that we can correct</p> <p>24 the record, but I have a couple of questions for</p> <p>25 you.</p>

<p style="text-align: right;">Page 66</p> <p>1 Number one, do you know why Mr. Hancock</p> <p>2 was suggesting that it might be better to have a</p> <p>3 phone call with you rather than to simply rely or</p> <p>4 use your report, if you know or have an</p> <p>5 understanding.</p> <p>6 MS. PARFITT: Objection to form.</p> <p>7 THE WITNESS: I am not exactly sure,</p> <p>8 but I guess it might have been triggered by my</p> <p>9 concern about whether a document that is in the</p> <p>10 litigation realm can be shared in the public</p> <p>11 domain, as it were. And he knew that I was</p> <p>12 uncomfortable -- well, uncomfortable. I was</p> <p>13 uncertain of how this should be done, and I</p> <p>14 expressed that to him, I guess. And I think he is</p> <p>15 responding to his profession of my discomfort and</p> <p>16 suggesting other ways around that, except apart</p> <p>17 from actually citing the document openly.</p> <p>18 BY MR. ZELLERS:</p> <p>19 Q. Okay, Dr. Siemiatycki, did you</p> <p>20 have some later phone call or calls with</p> <p>21 Mr. Hancock, if you remember?</p> <p>22 A. So I recall having a phone call</p> <p>23 with him, but I can't remember when and I can't</p> <p>24 remember what it was about. And I don't think it</p> <p>25 was the phone call that is hypothetically alluded</p>	<p style="text-align: right;">Page 68</p> <p>1 THE WITNESS: I'm sorry. At some point</p> <p>2 Ms. Parfitt's office contacted me and asked me to</p> <p>3 turn over any communications I had with Health</p> <p>4 Canada about this, and at that time I searched</p> <p>5 through my files, my emails and so on, and I sent</p> <p>6 them everything that I had.</p> <p>7 So if -- I think what is in -- if you</p> <p>8 received everything that I sent Ms. Parfitt's</p> <p>9 office, then you received everything that I had.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Did you ever see the final Health</p> <p>12 Canada assessment before it was published in April</p> <p>13 of 2021?</p> <p>14 MS. PARFITT: Objection to form.</p> <p>15 THE WITNESS: No, I didn't.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. Did you make any edits or comments</p> <p>18 to any draft of the final Health Canada Screening</p> <p>19 Assessment?</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: No, I didn't.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. Are you aware that in the Health</p> <p>24 Canada Screening Assessment -- and let's mark that</p> <p>25 as an exhibit, and I have got a couple of questions</p>
<p style="text-align: right;">Page 67</p> <p>1 to in this paragraph as a phone call to discuss</p> <p>2 substantive issues in my report. I don't recall</p> <p>3 ever having a phone call about him over substantive</p> <p>4 issues in my report.</p> <p>5 Q. Do you have any notes from any</p> <p>6 phone call with Mr. Hancock or anyone else from</p> <p>7 Health Canada?</p> <p>8 A. I don't think so. I --</p> <p>9 Q. I may have asked you this at the</p> <p>10 outset, and if I'm repeating, I apologize, but do</p> <p>11 you recall speaking with anyone else at Health</p> <p>12 Canada other than Mr. Hancock?</p> <p>13 A. I don't think I did speak to</p> <p>14 anybody else or correspond with anybody else.</p> <p>15 Q. Did you have any communications,</p> <p>16 either in writing or at conferences or a phone</p> <p>17 call, with Mr. Hancock or anyone else at Health</p> <p>18 Canada after March 8 of 2019 relating to the Talc</p> <p>19 Screening Assessment that Health Canada was</p> <p>20 preparing?</p> <p>21 A. I don't think so.</p> <p>22 Q. Do you have a file or somewhere</p> <p>23 you could check to make sure?</p> <p>24 A. I mean at some --</p> <p>25 MS. PARFITT: Objection to form.</p>	<p style="text-align: right;">Page 69</p> <p>1 and then we'll take a break.</p> <p>2 Take a look at tab 23, Deposition</p> <p>3 Exhibit binder Volume 1, which is the April 21st</p> <p>4 Health Canada Screening Assessment that we will</p> <p>5 mark as Deposition Exhibit 12.</p> <p>6 EXHIBIT NO. 12: April 21st Health</p> <p>7 Canada Screening Assessment, tab 23,</p> <p>8 Deposition Exhibit Binder Volume 1.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. And, Dr. Siemiatycki, if you would</p> <p>11 just look at page 17, paragraph 5 of Deposition</p> <p>12 Exhibit 12, I have one question for you. Do you</p> <p>13 have that in front of you?</p> <p>14 A. Page 17 of the April 2021 report?</p> <p>15 Q. Yes, and do you see where there is</p> <p>16 a reference to -- well, I have this wrong. So take</p> <p>17 a look at the authorities that Health Canada</p> <p>18 references, and do you see the reference to your</p> <p>19 report?</p> <p>20 A. On this page? On page 17?</p> <p>21 Q. No, I had the wrong page for you.</p> <p>22 So I am looking at --</p> <p>23 MS. PARFITT: Mr. Zellers, I believe it</p> <p>24 is 59.</p> <p>25 BY MR. ZELLERS:</p>

<p style="text-align: right;">Page 70</p> <p>1 Q. Thank you so much, Ms. Parfitt.                  2 So I am looking at page 59, the reference to your                  3 litigation report along with other litigation                  4 reports; do you see that?                  5 A. I have page 59 -- oh, yes, I see                  6 my name there, yes.                  7 Q. All right. So this states that                  8 Health Canada accessed your litigation report in                  9 July of 2020, but that is not accurate, is it?                  10 MS. PARFITT: Objection to form.                  11 THE WITNESS: I don't -- I have no idea                  12 if they accessed it then.                  13 BY MR. ZELLERS:                  14 Q. Well, we know that you provided                  15 your litigation report to Mr. Hancock and to Health                  16 Canada back in March of 2019, about 15 months                  17 earlier; is that right?                  18 A. Yes.                  19 MS. PARFITT: Objection to form.                  20 BY MR. ZELLERS:                  21 Q. All right. I have no more                  22 questions at this time on this, you know, topic, so                  23 why don't we take a break.                  24 And Ms. Parfitt and Dr. Siemiatycki,                  25 how long would you like to take a break, and</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Was that study by Dr. Koushik ever                  2 published?                  3 A. Well, it is a study on ovarian                  4 cancer risk factors that was initiated over ten                  5 years ago, 2008, 2009, somewhere in that ballpark,                  6 and it wasn't a study specifically of talc and                  7 ovarian cancer. There were several factors that                  8 she was looking at at the time, and she has                  9 published some papers that came out of that but not                  10 on talc, per se.                  11 Q. All right. So Dr. Koushik was                  12 working on a publication dealing with risk factors                  13 for ovarian cancer; correct?                  14 A. She was working on a project that                  15 gave rise to multiple publications so far. I think                  16 there have been two or three so far. I'm not quite                  17 sure. I am not involved with all of them. But                  18 there is -- anyways, I can look up which ones I                  19 have been involved with on my CV, but as far as I                  20 know, she hasn't published anything on the talc                  21 exposure connection to ovarian cancer.                  22 Q. You described your role as working                  23 with Dr. Koushik as both a mentor and a                  24 co-investigator; is that correct?                  25 A. Yes, I think that is correct, yes.</p>
<p style="text-align: right;">Page 71</p> <p>1 Ms. Court Reporter, how long do you need?                  2 A. 15 minutes? Would that work?                  3 Q. That is fine.                  4 Ms. Court Reporter, is that okay?                  5 THE COURT REPORTER: [Nodding.]                  6 MR. ZELLERS: And, Ms. Court Reporter,                  7 what time are we going off the record? Can you                  8 announce that?                  9 THE COURT REPORTER: We are going off                  10 the record at 11:37 a.m.                  11 -- RECESSED AT 11:37 A.M.                  12 -- RESUMED AT 11:56 A.M.                  13 BY MR. ZELLERS:                  14 Q. Dr. Siemiatycki, since your last                  15 report -- or your initial report in November of                  16 2018, you have not published any material on talc                  17 and ovarian cancer; is that correct?                  18 A. That's correct.                  19 Q. In your 2019 deposition, January                  20 of 2019, you had some testimony that you were                  21 working on or may publish a case control study with                  22 Anita Koushik, K-o-u-s-h-i-k. Do you recall that?                  23 A. I don't remember the discussion                  24 about it, but I certainly remember the substance of                  25 that, what you refer to, yes.</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Your understanding is that since                  2 January of 2019, Dr. Koushik has published some                  3 articles relating to the risk factors of ovarian                  4 cancer but not relating to talcum powder; is that                  5 correct?                  6 A. So I am not sure if she has                  7 published any since 2019. I can't remember the                  8 timing, the dates of her publications from that                  9 study. There may have been some before 2019, and                  10 there may have been some since. I am not sure.                  11 Q. Since January of 2019, other than                  12 your communications with Health Canada, have you                  13 presented your opinions on the association between                  14 talc and ovarian cancer in any context outside of                  15 litigation?                  16 MS. PARFITT: Objection to form.                  17 THE WITNESS: I don't think so. I                  18 don't think I have.                  19 BY MR. ZELLERS:                  20 Q. All right. Have you informed any                  21 of the scientists and doctors at the University of                  22 Montreal of your opinion that talc causes ovarian                  23 cancer?                  24 A. That's not typically a thing to                  25 inform -- in a university to inform the 4,000 other</p>



<p style="text-align: right;">Page 74</p> <p>1 people at the university of everyone's research                  2 findings or opinions about things. So I am not                  3 really sure what -- how to address your question.                  4 But the answer is no. The short answer is no, I                  5 haven't there, and I haven't in regard to, I guess,                  6 any of the 300 other publications that I have                  7 published. I don't go around, you know, the campus                  8 advertising my opinions about things or what I have                  9 found.                  10 Q. And the same answer, if I ask                  11 whether or not you have informed any of the                  12 scientists or doctors at McGill University of your                  13 opinion with respect to talc and ovarian cancer;                  14 you have not done so, correct?                  15 A. I have not done so, and thank God                  16 they haven't come to me with all of their opinions.                  17 Q. You have published a number of                  18 peer-reviewed articles since you were retained in                  19 the talc litigation; correct?                  20 A. Yes.                  21 MS. PARFITT: Objection to form.                  22 BY MR. ZELLERS:                  23 Q. Do you have an estimate of the                  24 number of peer-reviewed articles that you have                  25 published?</p>	<p style="text-align: right;">Page 76</p> <p>1 right?                  2 A. Yes.                  3 Q. Do you understand that the mission                  4 of the Center for Disease Control is to prevent                  5 disease, including cancer?                  6 A. If that is what it says on their                  7 mission statement, then I agree with it, that                  8 that's their mission.                  9 Q. But you understand generally                  10 that --                  11 A. I understand generally what the                  12 CDC is about, yes.                  13 Q. And that they are charged with                  14 protecting the health and welfare of the American                  15 public, right?                  16 MS. PARFITT: Objection to form.                  17 THE WITNESS: Right.                  18 BY MR. ZELLERS:                  19 Q. They are also charged with                  20 informing the public of dangerous things to avoid                  21 and public health issues of which Americans should                  22 be aware; is that your understanding?                  23 MS. PARFITT: Objection to form.                  24 THE WITNESS: Well, they, in addition                  25 to many other agencies and parties, yes.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Since when?                  2 Q. Well, since 2015.                  3 A. It is in my CV, but, you know, I                  4 would guesstimate between 40 and 50.                  5 Q. I did count --                  6 A. Okay.                  7 Q. -- the number of articles,                  8 peer-reviewed articles, that you have published                  9 since your deposition in January of 2019, and it                  10 was approximately 20 articles. Does that sound                  11 about right?                  12 A. Yes.                  13 Q. And you have given at least 10                  14 presentations since your deposition in January of                  15 2019; correct?                  16 A. Correct. I guess so. Yes, I am                  17 sure that is correct.                  18 Q. None of those publications and                  19 presentations had anything to do with talc and                  20 ovarian cancer; is that right?                  21 A. That's correct.                  22 MS. PARFITT: Objection to form.                  23 BY MR. ZELLERS:                  24 Q. You are familiar with the Center                  25 for Disease Control as a U.S. agency; is that</p>	<p style="text-align: right;">Page 77</p> <p>1 BY MR. ZELLERS:                  2 Q. Are you aware that the CDC has a                  3 discussion of ovarian cancer risk factors on its                  4 website for doctors and patients?                  5 A. I am not at all surprised by that,                  6 yes, I --                  7 Q. Have you had any conversations                  8 with the CDC since your last deposition in January                  9 of 2019?                  10 A. About what? About what --                  11 Q. About talc and ovarian cancer?                  12 A. I haven't had any discussions                  13 about that or about any of the other things that I                  14 work on and never have, no.                  15 Q. All right. Well, have you                  16 informed the scientists and doctors at the CDC that                  17 you are of the view that talcum powder causes                  18 ovarian cancer?                  19 A. No, I haven't.                  20 Q. All right, how about --                  21 A. That is not how scientists work.                  22 Q. How about the FDA? Have you                  23 informed the FDA that you are of the opinion that                  24 talcum powder causes ovarian cancer?                  25 A. No, I haven't.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. Take a look, Doctor, if you have                  2 it in front of you, Exhibit 5, which are your                  3 "Additional Materials Considered" list, and that is                  4 tab 8 and Deposition Exhibit binder Volume 1, if                  5 you need to look there. But essentially, it is                  6 Exhibit C to your amended report. Do you have that                  7 in front of you?                  8 A. Yes, I do, sir.                  9 Q. Let's mark -- well, before I get                  10 there, as foundation, document 357 is a document                  11 from NCI (PDQ). Do you see that?                  12 A. No, I am not sure where -- I am                  13 not sure where you are looking.                  14 Q. All right. So on your "Additional                  15 Materials Considered" list, do you see document                  16 number 357?                  17 A. Okay, yes, I do. I see what you                  18 are referring to now.                  19 Q. All right. And that is "NCI -                  20 Ovarian, Fallopian Tube, and Primary Perineal                  21 Cancer Prevention (PDQ)"; is that correct?                  22 A. I see that, yes.                  23 Q. All right. Let's mark as                  24 Deposition Exhibit 13 the NCI (PDQ) referenced as                  25 number 357 on your "Additional Materials</p>	<p style="text-align: right;">Page 80</p> <p>1 A. No, I am not a clinical doctor or                  2 a patient to whom that website is geared and aimed.                  3 Q. All right. If you look at the                  4 very last page of Exhibit 13, you can see that it                  5 was updated last on July 8 of 2021?                  6 A. Yes, I see that.                  7 Q. And this publication your                  8 understanding is directed both to the public and                  9 also to the doctors who would be treating ovarian                  10 cancer patients?                  11 A. I guess so. I guess so.                  12 Q. Go to page 18 under "Description                  13 of the Evidence".                  14 A. Sorry, I am looking for page                  15 numbers and I --                  16 Q. All right, go to the third-to-last                  17 page. It says "Changes to This Summary July 8,                  18 2021", and then it has got a sub-heading                  19 "Description of the Evidence"?                  20 A. I see that --                  21 Q. It is right at the end of the                  22 references.                  23 A. At the end of the references? Oh,                  24 yes, okay. Now I see it. So "Changes to This                  25 Summary".</p>
<p style="text-align: right;">Page 79</p> <p>1 Considered", and, Doctor, you will find that as tab                  2 43 in, I believe, Deposition Exhibit Binder Volume                  3 3.                  4 EXHIBIT NO. 13: NCI - Ovarian,                  5 Fallopian Tube, and Primary Perineal                  6 Cancer Prevention (PDQ), tab 43,                  7 Deposition Exhibit Binder Volume 3.                  8 THE WITNESS: Did you say 43, tab 43?                  9 BY MR. ZELLERS:                  10 Q. Yes, tab 43.                  11 A. All right. Yes, I have it.                  12 Q. Are you familiar with this                  13 document?                  14 A. Only because I think that it was                  15 sent to me a week or two ago.                  16 Q. And was it sent to you by the                  17 Plaintiff lawyers in this litigation?                  18 A. Yes.                  19 Q. Do you regularly check the                  20 NCI -- and NCI stands for National Cancer                  21 Institute; correct?                  22 A. That's correct.                  23 Q. Do you have occasion to check the                  24 NCI website for information regarding ovarian                  25 cancer?</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. And looking at the last paragraph:                  2 "This summary and written and                  3 maintained by the PDQ Screening and                  4 Prevention Editorial Board, which is                  5 editorially independent of NCI. The                  6 summary reflects an independent                  7 review of the literature and does                  8 not represent a policy statement of                  9 NCI or NIH."                  10 Do you see that?                  11 A. I do see that, yes.                  12 Q. All right. Do you know the                  13 composition of the PDQ screening and prevention                  14 editorial board?                  15 A. No, I don't.                  16 Q. Do you know if this board                  17 represents doctors and scientists in the fields of                  18 oncology, cancer prevention, cancer screening,                  19 hematology, radiology, urology, statistics and                  20 epidemiology?                  21 A. I believe you have read something                  22 from their website, and I believe that you have                  23 read it faithfully.                  24 Q. All right.                  25 A. So now I know that, yes.</p>



<p style="text-align: right;">Page 82</p> <p>1 Q. So let's take a look at page 13,                  2 and again, Doctor, it is about in the middle of the                  3 document, and it is a section under the heading                  4 "Factors with Inadequate Evidence of an Association                  5 Risk of Ovarian, Fallopian Tube, and Primary                  6 Peritoneal Cancer."                  7 A. I see --                  8 Q. All right. If we go down three                  9 sections, there is a section from this document,                  10 this PDQ, entitled "Perineal talc exposure"; do you                  11 see that?                  12 A. I do.                  13 Q. And the first sentence states:                  14 "The weight of evidence does                  15 not support an association between                  16 perineal talc exposure and an                  17 increased risk of ovarian cancer."                  18 Do you see that?                  19 A. Yes, I do.                  20 Q. Do you disagree with that                  21 statement in the National Cancer Institute                  22 publication?                  23 MS. PARFITT: Objection to form.                  24 THE WITNESS: Yes, I do.                  25 BY MR. ZELLERS:</p>	<p style="text-align: right;">Page 84</p> <p>1 continued to review for your amended report; is                  2 that right?                  3 A. Yes.                  4 Q. Do you agree that ovarian cancers                  5 can be diagnostically classified in different ways                  6 according to cell type and invasiveness of the                  7 tumour?                  8 A. Yes, I do.                  9 MS. PARFITT: Objection to form.                  10 BY MR. ZELLERS:                  11 Q. And that is just another way of                  12 saying that there are different sub-types of                  13 ovarian cancer; correct?                  14 A. Correct.                  15 Q. You have had an opportunity to                  16 read the Health Canada publication, the April 2021                  17 Screening Assessment for Talc; is that right?                  18 A. Yes, I read it when it first                  19 became public.                  20 Q. We marked that previously as                  21 Deposition Exhibit 12. Do you have that Screening                  22 Assessment from Health Canada in front of you,                  23 Doctor?                  24 A. Sorry, which tab would it be in                  25 for --</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. If we go back to page 19, and I am                  2 not sure you need to find it, but you are certainly                  3 welcome to, the document provides:                  4 "Any comments or questions                  5 about the summary content should be                  6 submitted to Cancer.gov through the                  7 NCI website [...]"                  8 My question to you is have you ever                  9 communicated with either National Cancer Institute                  10 or the NIH that you disagree with their statement                  11 regarding the inadequacy of the evidence supporting                  12 an association between talcum powder use and                  13 ovarian cancer?                  14 A. No, I have never communicated with                  15 them about that.                  16 Q. And have you corresponded, since                  17 your last deposition, with any regulatory authority                  18 in the United States about your opinion relating to                  19 talcum powder and ovarian cancer?                  20 A. No, I haven't had opportunity or                  21 reason to do that.                  22 Q. All right. Doctor, I want to ask                  23 you about some of the epidemiology studies. That                  24 is something that you have reviewed both in                  25 preparation of your original report and then</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Well, if you go back to the tabs,                  2 it is tab 23 from Deposition Exhibit Binder Volume                  3 1, and we have marked that as Exhibit 12 to this                  4 deposition.                  5 A. Okay, I have got the document in                  6 front of me.                  7 Q. Are you aware, Dr. Siemiatycki,                  8 that Health Canada concluded that there is                  9 considerable uncertainty for how sub-type data                  10 should be examined?                  11 MS. PARFITT: Objection. Is there a                  12 particular page you are referring to?                  13 BY MR. ZELLERS:                  14 Q. Well, there will be. Page 17.                  15 But my question now was a general question. So do                  16 you need me to repeat it, Doctor?                  17 A. Yes, could you repeat it, please.                  18 Q. Sure. Are you aware that Health                  19 Canada concluded that there was considerable                  20 uncertainty for how sub-type data should be                  21 examined?                  22 MS. PARFITT: Objection to form,                  23 misstates facts.                  24 THE WITNESS: I don't remember that                  25 quotation in the report. I --</p>

<p style="text-align: right;">Page 86</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. All right, take a look --</p> <p>3 A. I completely believe that -- I</p> <p>4 mean, it is credible, but if you are asking me</p> <p>5 whether I remember that quotation in the report,</p> <p>6 the answer is no.</p> <p>7 [Court Reporter intervenes for</p> <p>8 clarification.]</p> <p>9 THE WITNESS: Thank you.</p> <p>10 MS. PARFITT: Michael, let me just</p> <p>11 finish. I said -- well, the objection was I</p> <p>12 objected to form and said misstates the document.</p> <p>13 Go ahead, Michael.</p> <p>14 MR. ZELLERS: And I believe objections</p> <p>15 are limited to just form, but we are doing okay, so</p> <p>16 let's continue here.</p> <p>17 MS. PARFITT: We are. Very good, thank</p> <p>18 you.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Dr. Siemiatycki, go to page 17 of</p> <p>21 the Health Canada Screening Assessment, which we</p> <p>22 have marked as Deposition Exhibit 12; do you have</p> <p>23 that?</p> <p>24 A. I have it in front of me, thank</p> <p>25 you.</p>	<p style="text-align: right;">Page 88</p> <p>1 agree that the cause of most ovarian cancer is not</p> <p>2 well established?</p> <p>3 MS. PARFITT: Objection to form.</p> <p>4 THE WITNESS: I would agree if what you</p> <p>5 mean is the cause of most cases of ovarian cancer.</p> <p>6 So if you are saying that for most women who get</p> <p>7 ovarian cancer -- among all the women who get</p> <p>8 ovarian cancer, for most of them, we don't know why</p> <p>9 they got it, if that is what you mean, then I</p> <p>10 agree.</p> <p>11 BY MR. ZELLERS:</p> <p>12 Q. You are not a cancer biologist;</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. You are not an expert on the</p> <p>16 biological mechanisms by which ovarian cancer may</p> <p>17 develop; correct?</p> <p>18 A. Correct.</p> <p>19 Q. Health Canada goes on to state --</p> <p>20 and I am reading now, Doctor, just the next</p> <p>21 sentence on page 17, Exhibit 12:</p> <p>22 "There are a number of</p> <p>23 different tumor types with</p> <p>24 characteristic histologic features,</p> <p>25 distinctive molecular signatures,</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. And if you look at the</p> <p>2 second-to-last paragraph, it states:</p> <p>3 "The etiology of most ovarian</p> <p>4 tumors has not been well</p> <p>5 established, and ovarian cancer is a</p> <p>6 relatively rare disease [...]"</p> <p>7 Do you see that?</p> <p>8 A. I do see that.</p> <p>9 Q. Do you agree with that statement?</p> <p>10 A. I am not sure exactly what it</p> <p>11 means. If I were editing, I would ask them to be</p> <p>12 clearer, but I don't disagree with it.</p> <p>13 Q. Etiology means cause; correct?</p> <p>14 A. I understand. I understand. I am</p> <p>15 not sure if they mean the etiology of specific</p> <p>16 patients' tumors are uncertain and have not been</p> <p>17 well established, or if in a generic way that --</p> <p>18 if what -- when they say "most ovarian tumors", do</p> <p>19 they mean most sub-types of ovarian cancer or</p> <p>20 something else? So they don't use the term</p> <p>21 "sub-types" in this sentence, so I am not sure what</p> <p>22 they mean by "most ovarian tumors".</p> <p>23 Q. Let me ask you this question, Dr.</p> <p>24 Siemiatycki. Do you agree -- and if I'm going</p> <p>25 outside your expertise, please tell us, but do you</p>	<p style="text-align: right;">Page 89</p> <p>1 and disease trajectories. Moreover,</p> <p>2 these tumors are heterogeneous and</p> <p>3 can arise from different tissues of</p> <p>4 the female reproductive tract,</p> <p>5 including the fallopian tube</p> <p>6 epithelium."</p> <p>7 Did I read that statement by Health</p> <p>8 Canada correctly?</p> <p>9 A. Yes, you did.</p> <p>10 Q. Do you agree with that statement</p> <p>11 by Health Canada?</p> <p>12 A. I have no reason to disbelieve it.</p> <p>13 Q. The next sentence, Doctor, or</p> <p>14 couple of sentences in the Health Canada Screening</p> <p>15 Assessment:</p> <p>16 "Ovarian tumors can be grouped</p> <p>17 into categories [e.g., epithelial</p> <p>18 ovarian cancer, germ cell tumours,</p> <p>19 gonadal stromal tumours, metastatic</p> <p>20 neoplasms). Epithelial ovarian</p> <p>21 cancers are often designated as Type</p> <p>22 I or Type II, with further</p> <p>23 subdivision within each type. Type</p> <p>24 I tumours have characteristics quite</p> <p>25 distinct from Type II tumours, and</p>

<p style="text-align: right;">Page 90</p> <p>1 research supports that they have</p> <p>2 different molecular pathways and may</p> <p>3 not be ovarian in origin."</p> <p>4 Do you agree with that statement from</p> <p>5 Health Canada?</p> <p>6 A. I have no reason to disagree with</p> <p>7 it.</p> <p>8 MS. PARFITT: Objection to form.</p> <p>9 THE WITNESS: I'm sorry, yes.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Do you know the difference between</p> <p>12 a Type I and a Type II tumor?</p> <p>13 A. I don't remember. I don't</p> <p>14 remember how those are separately distinguished.</p> <p>15 It is based on histology and invasiveness, but I</p> <p>16 don't remember the precise definitions of each one.</p> <p>17 Q. If I ask you to identify which</p> <p>18 ovarian cancer sub-types are Type II and which</p> <p>19 ovarian cancer sub-types are Type I, you would need</p> <p>20 to do some research to try to answer that question;</p> <p>21 correct?</p> <p>22 A. I would need to look something up,</p> <p>23 yes.</p> <p>24 Q. All right. Are you of the</p> <p>25 opinion -- well, let me withdraw that. You have no</p>	<p style="text-align: right;">Page 92</p> <p>1 cancer?</p> <p>2 MS. PARFITT: Objection to form.</p> <p>3 THE WITNESS: I don't have an opinion</p> <p>4 about that.</p> <p>5 BY MR. ZELLERS:</p> <p>6 Q. What is your understanding of the</p> <p>7 mechanism by which talcum powder is able to work</p> <p>8 and affect on different molecular pathways that</p> <p>9 would cause both a Type I and a Type II ovarian</p> <p>10 cancer?</p> <p>11 MS. PARFITT: Objection to form.</p> <p>12 THE WITNESS: So I am not saying that</p> <p>13 it does cause Type I and Type II. I am saying in</p> <p>14 the epidemiologic studies, I haven't seen any</p> <p>15 evidence that it affects the different types</p> <p>16 differentially. So I don't have an opinion about</p> <p>17 which mechanisms would explain the fact that I</p> <p>18 haven't seen any epidemiologic evidence for it.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. Well, would you agree that there</p> <p>21 is a lack of epidemiologic evidence for at least</p> <p>22 some sub-types of ovarian cancer?</p> <p>23 MS. PARFITT: Objection to form.</p> <p>24 THE WITNESS: Yes.</p> <p>25 BY MR. ZELLERS:</p>
<p style="text-align: right;">Page 91</p> <p>1 opinion, do you, that talcum powder can cause both</p> <p>2 Type I and Type II ovarian cancer; is that fair?</p> <p>3 MS. PARFITT: Objection to form,</p> <p>4 misstates his testimony.</p> <p>5 THE WITNESS: It is not quite true. In</p> <p>6 my review of the literature, I have not found</p> <p>7 compelling evidence that the relationship between</p> <p>8 talc and ovarian cancer is different between</p> <p>9 different types of ovarian cancers, namely, the</p> <p>10 different types of epithelial and so on tumors.</p> <p>11 So I don't see any compelling evidence</p> <p>12 in the epidemiology that the relationship between</p> <p>13 talc and the different ovarian tumors is different</p> <p>14 according to the type.</p> <p>15 How that relates to what is now</p> <p>16 labelled as Type I and Type II, which are fairly</p> <p>17 recent nomenclatures that weren't really part of</p> <p>18 the literature and the discussion about ovarian</p> <p>19 cancer in the era when most of the epidemiologic</p> <p>20 studies were carried out and published, how that</p> <p>21 relates to Type I or Type II, I am not sure.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. Doctor, do you believe that talcum</p> <p>24 powder affects the different molecular pathways</p> <p>25 that cause both Type I and Type II cancer, ovarian</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. This lack of evidence,</p> <p>2 epidemiologic evidence, makes it difficult to opine</p> <p>3 with any probability as to a causal relationship</p> <p>4 between talcum powder use and at least some</p> <p>5 sub-types of ovarian cancer; correct?</p> <p>6 MS. PARFITT: Objection to form.</p> <p>7 THE WITNESS: Correct. It is quite</p> <p>8 natural that the sub-types that are the most</p> <p>9 frequent, serous invasive tumors, have the most</p> <p>10 data available and therefore the most opportunity</p> <p>11 to have answers to the questions about the risk</p> <p>12 factors. For the very rare sub-types, there just</p> <p>13 aren't enough cases in some -- in many studies to</p> <p>14 reliably estimate an association with any risk</p> <p>15 factors.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. And that would be true for</p> <p>18 clear-cell, that would be true for mucinous, and to</p> <p>19 some degree true for endometrioid ovarian cancer;</p> <p>20 correct?</p> <p>21 MS. PARFITT: Objection to form,</p> <p>22 misstates his testimony.</p> <p>23 THE WITNESS: It is true that there</p> <p>24 aren't enough studies and enough evidence regarding</p> <p>25 those sub-types. In the absence of evidence, my</p>

<p>Page 94</p> <p>1 default is to assume that the risk factors, when we                  2 look at all sub-types of ovarian cancer combined,                  3 would be applicable to all types, but that would be                  4 subject to revision as new studies appear and new                  5 evidence appears that would provide adequate                  6 evidence to distinguish the risk factors for the                  7 rarer sub-types.                  8 BY MR. ZELLERS:                  9 Q. You would agree that that is not                  10 scientifically precise, correct, to lump all of the                  11 sub-types together?                  12 MS. PARFITT: Objection to form,                  13 misstates his testimony.                  14 THE WITNESS: Well, I think that if you                  15 provide adequate qualifiers and qualifications to                  16 your inferences, you can make scientific inferences                  17 from available data and allow the readers of                  18 articles or the audience of presentations to give                  19 their own weight to the unknown part of the                  20 inference.                  21 So I don't think it is scientific to go                  22 beyond the specific cases, controls, subjects,                  23 et cetera, that have been studied in a given study                  24 to try to make generalizations, that is what                  25 science is about, and to openly admit all of the</p>	<p>Page 96</p> <p>1 different histologic types of ovarian cancer?                  2 MS. PARFITT: Objection to form.                  3 THE WITNESS: No, I am not aware.                  4 BY MR. ZELLERS:                  5 Q. Are you aware that cigarette                  6 smoking is associated with one type of epithelial                  7 ovarian cancer and that is mucinous?                  8 A. I recall reading that. I haven't                  9 reviewed any of the evidence.                  10 Q. Do you have a scientific                  11 explanation as to why smoking, with whatever                  12 mutations cigarette components induce, only cause                  13 one histologic sub-type of ovarian cancer where --                  14 and let me end there. Do you have any evidence as                  15 to that or explanation as to that?                  16 A. Well, I am not aware that this                  17 relationship between smoking and one particular                  18 type of ovarian cancer has been firmly established.                  19 I just haven't looked at the evidence, and I                  20 haven't seen the reviews that would summarize that.                  21 So I don't have an opinion.                  22 Q. Understood. Have you reviewed any                  23 of the amended reports or deposition testimony from                  24 other Plaintiff experts?                  25 A. In this case? In the MDL?</p>
<p>Page 95</p> <p>1 limitations and qualifiers that would apply to                  2 those generalizations and inferences.                  3 BY MR. ZELLERS:                  4 Q. Doctor, do you have any opinion as                  5 to whether mutations in cells that cause Type I                  6 ovarian cancer also cause Type II ovarian cancer?                  7 A. I don't have an opinion about                  8 that.                  9 MS. PARFITT: Objection to form.                  10 BY MR. ZELLERS:                  11 Q. Are you aware that different genes                  12 have been associated with different types of                  13 ovarian cancer?                  14 A. I have --                  15 MS. PARFITT: Objection to form.                  16 THE WITNESS: -- read that.                  17 BY MR. ZELLERS:                  18 Q. Are you aware that the P53 gene is                  19 not associated with Type I ovarian cancer?                  20 MS. PARFITT: Objection to form.                  21 THE WITNESS: I don't recall that.                  22 BY MR. ZELLERS:                  23 Q. Do you have any evidence that                  24 talcum powder can mutate all the different kinds of                  25 genes that we know are associated with these</p>	<p>Page 97</p> <p>1 Q. Yes, in the MDL litigation. I'm                  2 sorry, let me be more precise.                  3 A. You mean since 2019 or what we are                  4 talking about? No, I haven't.                  5 Q. Do you know who Dr. Clarke-Pearson                  6 is?                  7 A. I have heard the name. I don't                  8 know.                  9 Q. All right. Dr. Clarke-Pearson was                  10 asked in his recent deposition:                  11 "Question: So if I understand                  12 you, talcum powder causes all                  13 epithelial ovarian cancers except                  14 mucinous; is that right?"                  15 And his answer was:                  16 "Answer: Yes, that's correct."                  17 Do you have any reason to agree or                  18 disagree with Dr. Clarke-Pearson's testimony,                  19 assuming that I have read that correctly to you?                  20 MS. PARFITT: Objection to form.                  21 THE WITNESS: I have no reason to agree                  22 or disagree. I don't have -- I haven't seen the                  23 evidence to support that.                  24 BY MR. ZELLERS:                  25 Q. You have not seen the evidence to</p>

<p style="text-align: right;">Page 98</p> <p>1 support that mucinous ovarian cancer is related to</p> <p>2 talcum powder use; is that what you are saying?</p> <p>3 MS. PARFITT: Objection to form,</p> <p>4 misstates his testimony.</p> <p>5 THE WITNESS: Yeah, I thought what you</p> <p>6 were saying was that he stated that it was not</p> <p>7 related to mucinous.</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. And that was his testimony, yes.</p> <p>10 A. I haven't -- I haven't seen the</p> <p>11 evidence to support that convincingly, so I</p> <p>12 don't --</p> <p>13 Q. Have you --</p> <p>14 A. Go ahead.</p> <p>15 Q. Have you finished?</p> <p>16 A. Okay.</p> <p>17 Q. Have you seen convincing</p> <p>18 epidemiologic evidence to support that mucinous</p> <p>19 ovarian cancer is causally related to talcum powder</p> <p>20 use?</p> <p>21 MS. PARFITT: Objection to form.</p> <p>22 THE WITNESS: Let me look in my report.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. Doctor, I'll withdraw the</p> <p>25 question.</p>	<p style="text-align: right;">Page 100</p> <p>1 Do you agree with that -- number one,</p> <p>2 did I read it correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Do you agree with that statement?</p> <p>5 A. I agree with the substance of it.</p> <p>6 Q. All right. On page 47 of your</p> <p>7 amended report, and we marked that as Exhibit 2,</p> <p>8 have you gotten to page 47?</p> <p>9 A. Yes, sir.</p> <p>10 Q. All right, in the last paragraph</p> <p>11 you state:</p> <p>12 "To the extent that talc</p> <p>13 exposure might have different</p> <p>14 effects on different subtypes of</p> <p>15 ovarian cancer, there would be a</p> <p>16 clear advantage to segregating the</p> <p>17 evidence by type of ovarian cancer</p> <p>18 and evaluating the evidence for each</p> <p>19 subtype."</p> <p>20 That is your statement in your amended</p> <p>21 report and your opinion; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. You did not conduct a separate</p> <p>24 Bradford Hill analysis on sub-types of ovarian</p> <p>25 cancer; correct?</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Okay.</p> <p>2 Q. I need to keep moving so that we</p> <p>3 can hopefully finish in our allotted time.</p> <p>4 Go back to the Health Canada report, if</p> <p>5 you will. This is Deposition Exhibit 12, and look</p> <p>6 at the bottom of page 17 from the section where we</p> <p>7 have been reviewing the statements of Health</p> <p>8 Canada. Are you with me?</p> <p>9 A. Yes, I am.</p> <p>10 Q. Health Canada goes on to state on</p> <p>11 page 17, last paragraph:</p> <p>12 "Tumor subtypes are one of the</p> <p>13 many subgroup analyses conducted in</p> <p>14 several of the epidemiology studies</p> <p>15 and reviews. However, there was</p> <p>16 very little consistency in whether,</p> <p>17 or how, these subgroup analyses were</p> <p>18 conducted across the available</p> <p>19 studies, thereby leaving the</p> <p>20 analyses limited and likely</p> <p>21 underpowered (low sample sizes).</p> <p>22 Furthermore, there is considerable</p> <p>23 uncertainty for how subgroup data</p> <p>24 should be examined, in particular,</p> <p>25 for the tumor subtypes."</p>	<p style="text-align: right;">Page 101</p> <p>1 MS. PARFITT: Objection to form.</p> <p>2 THE WITNESS: Sorry, could you repeat</p> <p>3 that?</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. Sure. You are familiar with the</p> <p>6 Bradford Hill analysis; correct?</p> <p>7 A. I don't know what you mean by it.</p> <p>8 What is a Bradford Hill analysis? I have never</p> <p>9 seen a chapter heading in an epidemiology textbook</p> <p>10 with that name.</p> <p>11 Q. So your testimony as an expert</p> <p>12 epidemiologist in this case is that you are</p> <p>13 unfamiliar with the Bradford Hill criteria; is that</p> <p>14 your testimony?</p> <p>15 MS. PARFITT: Objection.</p> <p>16 THE WITNESS: Before you used the term</p> <p>17 "Bradford Hill analysis". Now you are using the</p> <p>18 term "Bradford Hill criteria". What are you</p> <p>19 talking about?</p> <p>20 BY MR. ZELLERS:</p> <p>21 Q. Are you familiar with Bradford</p> <p>22 Hill's paper?</p> <p>23 A. He had many papers. I am familiar</p> <p>24 with Austin Bradford Hill who, along with Richard</p> <p>25 Doll, was one of the originators of the hypothesis</p>



<p style="text-align: right;">Page 102</p> <p>1 that smoking causes lung cancer and their --</p> <p>2 Q. Go ahead, Doctor, finish.</p> <p>3 A. And their initial case control</p> <p>4 study was one of the gateways to opening up the</p> <p>5 realization that smoking is the most important risk</p> <p>6 factor for cancer.</p> <p>7 Q. Doctor --</p> <p>8 A. So I am familiar with him and I am</p> <p>9 familiar with his paper about considerations in</p> <p>10 reviewing evidence, but I am not familiar with what</p> <p>11 you mean by a "Bradford Hill analysis", as if it is</p> <p>12 a technique, sort of a cookbook technique. What do</p> <p>13 you mean by a "Bradford Hill analysis"?</p> <p>14 Q. Doctor, did you review the</p> <p>15 Bradford Hill criteria in formulating your opinion</p> <p>16 that talcum powder use is causally related to --</p> <p>17 that talcum powder use is causally related to</p> <p>18 ovarian cancer?</p> <p>19 A. The only Bradford Hill</p> <p>20 considerations that are referred to as criteria are</p> <p>21 in the legal -- among legal people. They are not</p> <p>22 criteria. As Bradford Hill himself said, they are</p> <p>23 not criteria.</p> <p>24 Q. Okay, Doctor, go to page 63 of</p> <p>25 your amended report, please.</p>	<p style="text-align: right;">Page 104</p> <p>1 applicability to sub-types of ovarian cancer.</p> <p>2 BY MR. ZELLERS:</p> <p>3 Q. And you do that in section 10 of</p> <p>4 your report; is that right?</p> <p>5 A. In section 10, I reviewed the -- I</p> <p>6 commented on the applicability the so-called</p> <p>7 Bradford Hill guidelines to the evidence regarding</p> <p>8 talc and ovarian cancer, yes.</p> <p>9 Q. Doctor, my question is have you</p> <p>10 applied the Bradford Hill considerations to do an</p> <p>11 analysis of the epidemiology for clear-cell,</p> <p>12 endometrioid, or mucinous ovarian cancer, and</p> <p>13 whether or not there is an association to talcum</p> <p>14 powder use?</p> <p>15 MS. PARFITT: Objection to form.</p> <p>16 THE WITNESS: I commented that I did</p> <p>17 not see evidence of an association between -- or a</p> <p>18 differential association between talc exposure and</p> <p>19 individual types of ovarian cancer, and therefore,</p> <p>20 the question of applying a list of considerations</p> <p>21 is moot.</p> <p>22 BY MR. ZELLERS:</p> <p>23 Q. Doctor --</p> <p>24 A. There is no evidence of specific</p> <p>25 associations with specific cell types. You don't</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Yes.</p> <p>2 Q. I am looking at page 63 of your</p> <p>3 amended report, section 10:</p> <p>4 "Bradford Hill Guidelines</p> <p>5 Applied to Talc and Ovarian Cancer."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Does this refresh your</p> <p>9 recollection that you are familiar with the</p> <p>10 Bradford Hill guidelines?</p> <p>11 A. Well, you didn't say "guidelines".</p> <p>12 MS. PARFITT: Objection to form.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. Doctor, are you familiar with the</p> <p>15 Bradford Hill guidelines?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Doctor, did you use</p> <p>18 the Bradford Hill guidelines to do an analysis on</p> <p>19 the sub-types of ovarian cancer?</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: Did I do an analysis? I</p> <p>22 reviewed the Bradford Hill considerations, as he</p> <p>23 called them, in reviewing the overall evidence of</p> <p>24 the association between talc and ovarian cancer</p> <p>25 and, where appropriate, I commented on their</p>	<p style="text-align: right;">Page 105</p> <p>1 need to go further to review that.</p> <p>2 Q. Doctor, are you familiar with a</p> <p>3 publication by Nicolas Wentzensen and Dr. O'Brien,</p> <p>4 2021?</p> <p>5 A. I had just seen that in the last</p> <p>6 few days. Is it in your folder, in your binder?</p> <p>7 Q. Yes. We'll mark the Wentzensen</p> <p>8 2021 article as Deposition Exhibit 14.</p> <p>9 EXHIBIT NO. 14: Wentzensen 2021</p> <p>10 article, tab 40, Deposition Exhibit</p> <p>11 Binder Volume 3.</p> <p>12 BY MR. ZELLERS:</p> <p>13 Q. Doctor, you'll find that as tab 40</p> <p>14 in the Deposition Exhibit Binder, Volume 3. This</p> <p>15 is listed on the "Additional Materials Considered"</p> <p>16 list.</p> <p>17 A. Yes, I have it in front of me.</p> <p>18 Q. And this is a document or a</p> <p>19 publication you were asked to review in preparation</p> <p>20 for your deposition; is that right?</p> <p>21 A. I don't recall if I was asked to</p> <p>22 review it. I was sent it.</p> <p>23 Q. All right.</p> <p>24 A. And I did look at it.</p> <p>25 Q. All right. In this 2021 article,</p>

<p style="text-align: right;">Page 106</p> <p>1 the authors discuss the epidemiology regarding the</p> <p>2 different histologic sub-types of ovarian cancer;</p> <p>3 is that right?</p> <p>4 A. Can you point me to the page and</p> <p>5 section where that is stated?</p> <p>6 Q. Sure. Go to page 7, and I am</p> <p>7 looking at the right-hand column, the first full</p> <p>8 sentence. Did you find that, Doctor?</p> <p>9 A. Yes, "The relationship between</p> <p>10 talc use [...]" et cetera? That sentence?</p> <p>11 Q. Yes. So the authors state in</p> <p>12 their publication:</p> <p>13 "The relationship between talc</p> <p>14 use and the rarer mucinous or clear</p> <p>15 cell tumor histotypes is more</p> <p>16 ambiguous, though it is not clear</p> <p>17 whether this is due to true</p> <p>18 etiologic differences or because</p> <p>19 their rarity makes them more</p> <p>20 difficult to study."</p> <p>21 Do you see that?</p> <p>22 A. Yes, I do.</p> <p>23 Q. And do you agree with that</p> <p>24 statement?</p> <p>25 A. I think --</p>	<p style="text-align: right;">Page 108</p> <p>1 the last ten years or so, go into much more detail</p> <p>2 and specificity about sub-types of ovarian cancer</p> <p>3 than was the case in the 1980s and '90s studies.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. All right. And to the extent that</p> <p>6 there were misclassifications with respect to</p> <p>7 sub-types of ovarian cancer in some of the older</p> <p>8 studies, that would cast at least some doubt as to</p> <p>9 the validity of their results; would you agree</p> <p>10 generally with that?</p> <p>11 A. Well --</p> <p>12 MS. PARFITT: Objection to form.</p> <p>13 THE WITNESS: Well, it would only apply</p> <p>14 to -- the objection that you are raising or the</p> <p>15 comment that you are making would only apply to</p> <p>16 those studies that have tried to analyze risk</p> <p>17 factors for sub-types of ovarian cancer, and those</p> <p>18 studies, to the extent that there were some in the</p> <p>19 '80s and '90s, would probably have experienced more</p> <p>20 misclassification error than studies published in</p> <p>21 the last ten years or so.</p> <p>22 But a lot of the studies from the '80s</p> <p>23 and '90s didn't even analyze the risks by</p> <p>24 sub-types, and the analyses are valid for when they</p> <p>25 analyzed all sub-types combined but they run the</p>
<p style="text-align: right;">Page 107</p> <p>1 MS. PARFITT: Objection to form.</p> <p>2 THE WITNESS: -- that's a paraphrase of</p> <p>3 what I told you a few minutes ago, yes.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. All right. Is there a concept</p> <p>6 of -- well, do you agree that within the last five</p> <p>7 years that scientists have gotten better in terms</p> <p>8 of being able to assess and identify the different</p> <p>9 sub-types of ovarian cancer?</p> <p>10 A. I believe so.</p> <p>11 MS. PARFITT: Objection to form.</p> <p>12 BY MR. ZELLERS:</p> <p>13 Q. In earlier studies, do you agree</p> <p>14 that there may have been misclassifications of</p> <p>15 sub-types in some of the older studies?</p> <p>16 MS. PARFITT: Objection to form.</p> <p>17 THE WITNESS: Yeah, I believe that in</p> <p>18 general in cancer research there has been a growing</p> <p>19 realization of -- or a growing ability to</p> <p>20 distinguish different sub-types of the different</p> <p>21 tumor types and that this has implications for</p> <p>22 research and treatment.</p> <p>23 So in general, yes, and I believe that</p> <p>24 with respect to ovarian cancer, certainly the</p> <p>25 recent studies, you know, the studies published in</p>	<p style="text-align: right;">Page 109</p> <p>1 risk of glossing over differences in risk factors</p> <p>2 for different sub-types.</p> <p>3 BY MR. ZELLERS:</p> <p>4 Q. Doctor, looking at your report,</p> <p>5 you identify on -- this is your amended report,</p> <p>6 page 87, you identify on Table 9 the relative risk</p> <p>7 of the sub-types from Terry and O'Brien; is that</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. And why don't we mark the Terry</p> <p>11 study as Deposition Exhibit 15, and that, Doctor,</p> <p>12 you can find at tab 38, Deposition Exhibit Binder</p> <p>13 Volume 3.</p> <p>14 EXHIBIT NO. 15: 2013 Terry study,</p> <p>15 tab 38, Deposition Exhibit Binder</p> <p>16 Volume 3.</p> <p>17 BY MR. ZELLERS:</p> <p>18 Q. And let's, Doctor, while you are</p> <p>19 pulling articles out, let's also mark the O'Brien</p> <p>20 2020 paper -- and you are familiar with O'Brien</p> <p>21 2020; correct?</p> <p>22 A. Correct.</p> <p>23 Q. All right, we'll mark that as</p> <p>24 Exhibit 16 to the deposition, and Doctor, you can</p> <p>25 find that at tab 30 in Deposition Exhibit Binder</p>



<p>Page 110</p> <p>1 Volume 3.</p> <p>2 EXHIBIT NO. 16: 2020 O'Brien study,</p> <p>3 tab 30 in Deposition Exhibit Binder</p> <p>4 Volume 3.</p> <p>5 BY MR. ZELLERS:</p> <p>6 Q. Do you have those in front of you,</p> <p>7 Doctor?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And you are generally familiar</p> <p>10 with both of these publications; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. For clear-cell - and I am</p> <p>13 referring to your report, but you can also look at</p> <p>14 the O'Brien paper - O'Brien found a relative risk</p> <p>15 of 1.17 with a confidence interval of 0.73 to 1.89;</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 MS. PARFITT: Objection to form.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. You rely on the Terry study, 2013,</p> <p>21 Exhibit 15 to the deposition, to support your view</p> <p>22 that talcum powder use can cause clear-cell ovarian</p> <p>23 cancer; is that correct?</p> <p>24 A. I relied on all the studies in my</p> <p>25 bibliography, yes.</p> <p>Page 111</p> <p>1 Q. Well, Terry is the only study out</p> <p>2 of all of the studies that supports your view that</p> <p>3 talcum powder use can cause clear-cell ovarian</p> <p>4 cancer; correct?</p> <p>5 MS. PARFITT: Objection to form.</p> <p>6 THE WITNESS: So I didn't do a specific</p> <p>7 analysis of clear-cell cancers. I did an analysis</p> <p>8 of all the cancers and all the sub-types, and I</p> <p>9 noted that there was no compelling evidence that</p> <p>10 the risks differed by sub-types.</p> <p>11 And then I said that for all intents</p> <p>12 and purposes, we can treat all the sub-types the</p> <p>13 same.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. And that opinion and lumping all</p> <p>16 of the sub-types together would be subject to the</p> <p>17 limitations that you talked about earlier; correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Are you aware that in O'Brien,</p> <p>20 Berge, 2017 -- you are familiar with that study,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. You are familiar with the Taher</p> <p>24 study, both the draft and then the final; is that</p> <p>25 right?</p>	<p>Page 112</p> <p>1 A. That's right.</p> <p>2 Q. Are you generally familiar with</p> <p>3 the Wong study, W-o-n-g?</p> <p>4 A. Refresh my memory or --</p> <p>5 MS. PARFITT: Is there a year for the</p> <p>6 Wong? Michael, I'm sorry, is there a year for the</p> <p>7 Wong study?</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. I don't have a year in front of</p> <p>10 me. Doctor, let me withdraw that question. Let me</p> <p>11 rephrase.</p> <p>12 Are you aware that there are a number</p> <p>13 of studies that have looked at clear-cell and</p> <p>14 concluded that there is no association with talcum</p> <p>15 powder use?</p> <p>16 A. When you are --</p> <p>17 MS. PARFITT: Objection to form.</p> <p>18 THE WITNESS: When you are referring in</p> <p>19 this question to studies of clear-cell, are you</p> <p>20 making a distinction between original evidence from</p> <p>21 a given study or meta-analyses that have combined</p> <p>22 evidence from multiple studies?</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. I'm including both.</p> <p>25 A. You are including both. I am</p> <p>Page 113</p> <p>1 aware that there have been results published on the</p> <p>2 association with clear-cell cancer, yes.</p> <p>3 Q. In your report, you just referred</p> <p>4 to the Terry 2013 study to support your view that</p> <p>5 talcum powder can cause clear-cell ovarian cancer;</p> <p>6 correct? That is page 87 of your --</p> <p>7 MS. PARFITT: Objection to form.</p> <p>8 THE WITNESS: Sorry, that is a table,</p> <p>9 right, that page?</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Yes, that is a table.</p> <p>12 A. Is there a quotation in my report</p> <p>13 that you want me to comment on?</p> <p>14 Q. No, Doctor, here is my new</p> <p>15 question. Are you aware of any study, either</p> <p>16 original study or meta-analysis, other than Terry</p> <p>17 2013 that supports your view that talcum powder can</p> <p>18 cause clear-cell ovarian cancer?</p> <p>19 MS. PARFITT: Objection to form, asked</p> <p>20 and answered.</p> <p>21 THE WITNESS: As I have indicated, I</p> <p>22 don't recall having assembled the evidence</p> <p>23 regarding clear-cell tumors specifically. What I</p> <p>24 do recall is going through all the studies that</p> <p>25 reported on multiple sub-types and finding, as was</p>
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<p>Page 114</p> <p>1 quoted in the Health Canada -- I think was it the                  2 Health Canada report or some other report that you                  3 just had me read, that the evidence for                  4 differential risk due to talc did not -- there was                  5 no convincing evidence of differential risk by                  6 sub-types in all the studies that had reported                  7 results by sub-type.</p> <p>8 There were some studies where the                  9 serous relative risks were higher and some where                  10 others were higher, and it bounced around in such a                  11 way that, to my eye and my interpretation, I didn't                  12 see a pattern that would allow me to conclude that                  13 there was a systematic difference. That is all I                  14 said, I believe.</p> <p>15 BY MR. ZELLERS:                  16 Q. Are you familiar with the Cramer                  17 2016 study?                  18 A. I am familiar with the report.                  19 Q. All right. Take a look at Cramer                  20 2016, which we will mark as Exhibit 17 to this                  21 deposition, and, Doctor, you can find that at tab                  22 18, and that may be a wrong cite, Deposition                  23 Exhibit Binder 3. Let me look and see and give you                  24 the correct -- I'm sorry, it is Volume 1. So                  25 Cramer 2016 is tab 18, Exhibit Binder Volume 1, and</p>	<p>Page 116</p> <p>1 completely different studies for the Terry paper.                  2 Q. Have you been provided with any                  3 information on the Terry study or paper or the data                  4 for the Terry study outside of what is in the                  5 publication?                  6 A. No.                  7 Q. Did you ever communicate or ever                  8 have any communications with the author, Kathryn                  9 Terry?                  10 MS. PARFITT: Michael, I am going to                  11 object at this point in time. I let you go for a                  12 little while because I thought you were making a                  13 comparison between Terry and O'Brien and other                  14 studies, but this line of testimony with regard to                  15 examining him on Terry was certainly done at his                  16 first deposition.                  17 BY MR. ZELLERS:                  18 Q. Okay, and that's fair. Let me                  19 make the comparison that I would like to that is                  20 referenced in the amended report. Doctor, you                  21 understand that Cramer does not find an association                  22 between talc use and clear-cell carcinoma; is that                  23 right?                  24 A. Well, I would have to look                  25 through --</p>
<p>Page 115</p> <p>1 marked as Exhibit 17 to this deposition.                  2 EXHIBIT NO. 17: Cramer 2016 study,                  3 tab 18, Exhibit Binder Volume 1.                  4 BY MR. ZELLERS:                  5 Q. Do you see that, Doctor?                  6 A. I see the article, yes.                  7 Q. All right. Cramer looked at the                  8 same data set in 2016 that the Terry study in 2013                  9 looked at, and that was data from the New England                  10 Consortium; is that your understanding?                  11 MS. PARFITT: Objection to form.                  12 THE WITNESS: Well, the Terry paper                  13 included the New England data, but also a lot more.                  14 And the --                  15 BY MR. ZELLERS:                  16 Q. How do you know, Doctor, that the                  17 Terry data included both the New England data plus                  18 a lot more? Is it simply because she reports on                  19 more cases, or did you see something in the study,                  20 or have you been given some information that helps                  21 you understand the data source for the Terry paper?                  22 A. Well, I think it is in the title                  23 of the article, in the abstract of the article, in                  24 the methods of the article, and in the results of                  25 the article that they combined data from eight</p>	<p>Page 117</p> <p>1 MS. PARFITT: Objection to form.                  2 THE WITNESS: -- his article to see.                  3 It is not fresh in my memory, every result in every                  4 paper, so I'll --                  5 MS. PARFITT: And again, to the extent                  6 that question is limited to the Cramer study, once                  7 again, prior to his January 2019 deposition, he was                  8 examined thoroughly with regard to the Cramer                  9 study.                  10 MR. ZELLERS: He was, but he raises the                  11 issue of a clear-cell and an association between                  12 talcum powder use and clear-cell in his amended                  13 report.                  14 MS. PARFITT: The same objection,                  15 Michael.                  16 MR. ZELLERS: And that is --                  17 MS. PARFITT: I am not sure you have                  18 made the link.                  19 BY MR. ZELLERS:                  20 Q. Let me wrap it up this way,                  21 Doctor. Do you agree with me that in Dr. Cramer's                  22 2016 article in which he is relying on the same                  23 data set or at least the New England Consortium                  24 data set, that Dr. Cramer did not find an                  25 association between talc use and clear-cell</p>

<p style="text-align: right;">Page 118</p> <p>1 carcinoma?</p> <p>2 MS. PARFITT: Objection to form.</p> <p>3 THE WITNESS: I am just looking for</p> <p>4 that in the paper, so I am -- if you don't mind, it</p> <p>5 is not fresh in my memory what every result --</p> <p>6 BY MR. ZELLERS:</p> <p>7 Q. And let me just -- I am going to</p> <p>8 rephrase. I'll withdraw that question. Do you</p> <p>9 have any recollection as you sit here today that</p> <p>10 Dr. Cramer found an association based upon the New</p> <p>11 England Consortium data set between clear-cell</p> <p>12 ovarian cancer and talcum powder use?</p> <p>13 A. No, I don't have a recollection.</p> <p>14 MS. PARFITT: Objection to form.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. All right. Do we want to take a</p> <p>17 break or do we want to continue? What is</p> <p>18 everyone's preference?</p> <p>19 MS. PARFITT: We have gone awhile. I</p> <p>20 would suggest a break. Dr. Siemiatycki, a quick</p> <p>21 break?</p> <p>22 THE WITNESS: If we -- I am fine to</p> <p>23 break now or to break in 20 minutes or so.</p> <p>24 Whatever -- if this is a natural spot and if our</p> <p>25 transcript person is happy to do it now rather than</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Yes, I do.</p> <p>2 Q. Do you know if the authors of the</p> <p>3 O'Brien paper, Katie O'Brien is the first named</p> <p>4 author?</p> <p>5 A. Are you asking if I know her?</p> <p>6 Q. Well, either know her or know any</p> <p>7 of the other authors to this paper, O'Brien 2020?</p> <p>8 A. I recognize her name and the name</p> <p>9 of a couple of other authors, co-authors. I don't</p> <p>10 know any of them well, but one of them I have known</p> <p>11 sort of as a colleague for a long time.</p> <p>12 Q. And who is that?</p> <p>13 A. Dale Sandler.</p> <p>14 Q. And Dale Sandler is a Ph.D. What</p> <p>15 is his expertise in?</p> <p>16 A. She is an epidemiologist.</p> <p>17 Q. And is she a capable</p> <p>18 epidemiologist, as far as you are aware?</p> <p>19 A. Yes, I think so.</p> <p>20 MS. PARFITT: Objection.</p> <p>21 BY MR. ZELLERS:</p> <p>22 Q. Are you aware that none of the</p> <p>23 authors to this paper are experts in the talc</p> <p>24 litigation?</p> <p>25 A. I am not sure what you mean by</p>
<p style="text-align: right;">Page 119</p> <p>1 later. I am easy. I would say within half an hour</p> <p>2 for sure, within 20 or 30 minutes for sure, but it</p> <p>3 could be now.</p> <p>4 MR. ZELLERS: All right, let's go off</p> <p>5 the record for a second.</p> <p>6 [Discussion Off The Record.]</p> <p>7 -- RECESSED AT 1:02 P.M.</p> <p>8 -- RESUMED AT 1:35 P.M.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. Dr. Siemiatycki, I asked you some</p> <p>11 questions earlier about your invoices, and we went</p> <p>12 through your communications with Health Canada and</p> <p>13 with Ms. Parfitt or with someone on the Plaintiff</p> <p>14 counsel side relating to Health Canada. Was the</p> <p>15 time that you spent doing that, communicating with</p> <p>16 Health Canada and communicating with Plaintiffs'</p> <p>17 counsel about Health Canada, is that time included</p> <p>18 in the invoices that you submitted in this matter?</p> <p>19 A. No, it isn't.</p> <p>20 Q. Did you bill anyone for that time?</p> <p>21 A. No, I didn't.</p> <p>22 Q. Dr. Siemiatycki, you are familiar</p> <p>23 with the O'Brien paper, and we had previously</p> <p>24 marked that as Exhibit 16. Do you have that paper</p> <p>25 in front of you?</p>	<p style="text-align: right;">Page 121</p> <p>1 "experts in the talc litigation".</p> <p>2 Q. You are serving here as an expert</p> <p>3 witness on behalf of Plaintiffs; correct?</p> <p>4 A. Oh, you mean Expert with a big</p> <p>5 "E"?</p> <p>6 Q. Yes, I'm sorry.</p> <p>7 A. Big "E" Expert, I'm sorry. I</p> <p>8 thought you meant a generic expert. I am not</p> <p>9 aware. I am not aware.</p> <p>10 Q. Do you know Dr. O'Brien?</p> <p>11 A. Only from this article. I don't</p> <p>12 know that I have met her or had any dealings with</p> <p>13 her. I can't remember.</p> <p>14 Q. Dr. O'Brien is a part of the</p> <p>15 National Institute of Environmental Health</p> <p>16 Scientist, which is a part of NIH; is that right?</p> <p>17 A. Yes, that's right.</p> <p>18 Q. NIH is a reputable institution?</p> <p>19 A. Yes, it is.</p> <p>20 Q. Dr. O'Brien and this O'Brien</p> <p>21 article was published in JAMA?</p> <p>22 A. Yes.</p> <p>23 Q. JAMA is one of the world's most</p> <p>24 prestigious and authoritative medical journals; is</p> <p>25 that right?</p>

<p>Page 122</p> <p>1 A. Yes.</p> <p>2 Q. Whose idea was it to include this</p> <p>3 O'Brien paper and study in your amended report?</p> <p>4 MS. PARFITT: Objection to form.</p> <p>5 THE WITNESS: Whose idea? I suppose it</p> <p>6 was my idea. When I became aware of it, I thought,</p> <p>7 okay, this needs to be included in my report.</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. Well, do you recall whether it was</p> <p>10 suggested to you by Plaintiffs' counsel to include</p> <p>11 the O'Brien paper or whether this is a paper that</p> <p>12 you found on your own? And if you don't recall,</p> <p>13 you can tell me you don't recall.</p> <p>14 A. I honestly don't recall.</p> <p>15 MS. PARFITT: Objection to form.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. Do you agree that the O'Brien</p> <p>18 study, Deposition Exhibit 16, provides the best and</p> <p>19 most up-to-date representation of the four cohort</p> <p>20 studies that have been conducted?</p> <p>21 MS. PARFITT: Objection to form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. Do you agree that there is little</p> <p>25 doubt that the results from O'Brien 2020 paper are</p>	<p>Page 124</p> <p>1 A. Over the --</p> <p>2 MS. PARFITT: Objection to form.</p> <p>3 THE WITNESS: Improved validity over</p> <p>4 the previously published individual studies, yes.</p> <p>5 BY MR. ZELLERS:</p> <p>6 Q. The O'Brien study included 252,745</p> <p>7 women; is that your recollection?</p> <p>8 MS. PARFITT: Objection to form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Do you have the --</p> <p>12 A. I have the article in front of me,</p> <p>13 and I'll just -- I'm sure you read it right.</p> <p>14 Q. So, I'm looking at "RESULTS" in</p> <p>15 the abstract.</p> <p>16 A. Yes, okay, I see that.</p> <p>17 Q. The total number of person years</p> <p>18 studied in this pooled analysis was 3.8 million; is</p> <p>19 that right?</p> <p>20 A. If that is what they say, that is</p> <p>21 right, yes.</p> <p>22 Q. Well, take a look at Table 2 on</p> <p>23 page 53.</p> <p>24 A. Yes, I see that.</p> <p>25 Q. And in Table 2, the authors</p>
<p>Page 123</p> <p>1 superior and should replace the results of the</p> <p>2 individual papers that were previously published</p> <p>3 from the cohort studies?</p> <p>4 MS. PARFITT: Objection to form.</p> <p>5 THE WITNESS: I assume your question is</p> <p>6 in regard to talc and ovarian cancer.</p> <p>7 BY MR. ZELLERS:</p> <p>8 Q. That's correct.</p> <p>9 A. And then I would say yes.</p> <p>10 Q. Do you agree that the O'Brien</p> <p>11 study, along with Terry 2013, carries the most</p> <p>12 statistical weight of the studies in this area?</p> <p>13 MS. PARFITT: Objection to form.</p> <p>14 THE WITNESS: I believe it does.</p> <p>15 BY MR. ZELLERS:</p> <p>16 Q. Do you agree that the O'Brien 2020</p> <p>17 paper entailed longer follow-up and therefore</p> <p>18 improved validity?</p> <p>19 A. Longer --</p> <p>20 MS. PARFITT: Objection to form.</p> <p>21 THE WITNESS: Longer follow-up than the</p> <p>22 previously published individual studies, yes.</p> <p>23 BY MR. ZELLERS:</p> <p>24 Q. And, therefore, improved validity;</p> <p>25 do you agree with that?</p>	<p>Page 125</p> <p>1 provide factual support for the 3.8 million years;</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. In Table 2, the authors list the</p> <p>5 four cohort studies which are NHS, NHSII, SIS, and</p> <p>6 WHI-OS, and you are familiar with each of those</p> <p>7 cohort studies; correct?</p> <p>8 A. Correct.</p> <p>9 Q. The pooled estimate is 3,765,706,</p> <p>10 and we get that from Table 2; correct?</p> <p>11 A. Correct.</p> <p>12 Q. And if you go to the right, the</p> <p>13 last column, the adjusted hazard ratio is 1.08 with</p> <p>14 a confidence interval of 0.99 to 1.17; is that</p> <p>15 correct?</p> <p>16 A. That's correct.</p> <p>17 Q. That finding is not statistically</p> <p>18 significant because it crosses the 1; correct?</p> <p>19 MS. PARFITT: Objection to form.</p> <p>20 THE WITNESS: You have to specify at</p> <p>21 what level of confidence you are testing for</p> <p>22 statistical significance, but in any case, I'll go</p> <p>23 along with your question. That confidence interval</p> <p>24 crosses the 1; if that is what you are stating, I</p> <p>25 agree with that.</p>

<p style="text-align: right;">Page 126</p> <p>1 BY MR. ZELLERS:</p> <p>2 Q. All right. Go to page 56, below</p> <p>3 Table 4, under "Discussion". Do you see where I am</p> <p>4 at? So page 56, first column, under "Discussion".</p> <p>5 A. Yes, I see.</p> <p>6 Q. The authors state:</p> <p>7 "In this pooled analysis of 4</p> <p>8 large US cohorts, there was no</p> <p>9 statistically significant</p> <p>10 association between self-reported</p> <p>11 use of powder in the genital area</p> <p>12 and risk of ovarian cancer. There</p> <p>13 were no clear dose-response trends</p> <p>14 for duration and frequency of powder</p> <p>15 use in the genital area in relation</p> <p>16 to ovarian cancer risk."</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes, you did.</p> <p>19 Q. There is one point, Dr.</p> <p>20 Siemiatycki, if I understand your report, your</p> <p>21 amended report correctly. A data point in O'Brien</p> <p>22 is that she separates out the ovarian cancer risk</p> <p>23 among women with a patent reproductive tract. Do</p> <p>24 you recall that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 128</p> <p>1 and you can contrast them, and you can choose the</p> <p>2 one you prefer. I have indicated by labelling one</p> <p>3 of them my main one which one I think is more</p> <p>4 valid, but you can see actually that it doesn't</p> <p>5 make much difference. Even choosing the other one</p> <p>6 leads to a meta relative risk that is identical.</p> <p>7 BY MR. ZELLERS:</p> <p>8 Q. The "Main Meta-Analysis" includes</p> <p>9 only women from O'Brien with a patent reproductive</p> <p>10 tract; correct?</p> <p>11 A. That's correct.</p> <p>12 MS. PARFITT: Objection to form.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. You describe in your amended</p> <p>15 report how you selected studies for review, and do</p> <p>16 you agree with this statement:</p> <p>17 "A meta-analysis should focus</p> <p>18 on original results in published</p> <p>19 studies, and should not include</p> <p>20 opinion pieces, reviews, and [other]</p> <p>21 meta-analyses"?</p> <p>22 A. I agree.</p> <p>23 Q. You included the Terry 2013 pooled</p> <p>24 analysis in your meta-analysis; is that right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. And in your updated meta-analysis,</p> <p>2 instead of including all of the data, the data for</p> <p>3 both the patent reproductive tract and the</p> <p>4 non-patent reproductive tract, you only include the</p> <p>5 sub-group of women with a patent reproductive</p> <p>6 tract; is that correct?</p> <p>7 A. I did one analysis with that</p> <p>8 sub-group and a so-called sensitivity analysis with</p> <p>9 all the women.</p> <p>10 Q. The meta-analysis that you</p> <p>11 performed only includes the data from O'Brien</p> <p>12 relating to the ovarian cancer risk among women</p> <p>13 with a patent reproductive tract; is that correct?</p> <p>14 MS. PARFITT: Objection to form, asked</p> <p>15 and answered.</p> <p>16 THE WITNESS: Not quite. If you look</p> <p>17 in my report on page 77, Table 3, you will see that</p> <p>18 there are results there for what I refer to as the</p> <p>19 "Main Meta-Analysis", and then the next line of</p> <p>20 results indicates "Substitute O'Brien B for O'Brien</p> <p>21 A", and that specifically means I substituted the</p> <p>22 all women result for the women with the patent open</p> <p>23 tract.</p> <p>24 So the report contains -- my report, my</p> <p>25 analysis contains both of those kinds of results,</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. You chose for your main</p> <p>2 meta-analysis women with a patent reproductive</p> <p>3 tract because this probably provides a more valid</p> <p>4 estimate of the risk since it is not diluted by the</p> <p>5 inclusion of women in whom talc particles could not</p> <p>6 reach the ovaries. Was that your reasoning?</p> <p>7 A. That was my reasoning.</p> <p>8 Q. Did you consult with any other</p> <p>9 experts, medical experts or other experts, to make</p> <p>10 that decision of including only the women with</p> <p>11 patent reproductive tracts from the O'Brien study</p> <p>12 in your main meta-analysis?</p> <p>13 A. No, I didn't consult anybody about</p> <p>14 that. I --</p> <p>15 Q. All right.</p> <p>16 A. -- took my cue from the authors of</p> <p>17 the paper who went to the trouble of producing</p> <p>18 results based on that subset of women and giving it</p> <p>19 great credibility.</p> <p>20 Q. You cite to Dr. Gossett's article</p> <p>21 or editorial in your 2021 report, is that right,</p> <p>22 under "Additional Materials Considered"?</p> <p>23 A. I have read it, yes.</p> <p>24 Q. All right.</p> <p>25 A. I had considered it.</p>



<p>Page 130</p> <p>1 Q. Let's mark Dr. Gossett's article                  2 titled "Use of Powder in the Genital Area and                  3 Ovarian Cancer Risk, Examining the Evidence" as                  4 Deposition Exhibit 18. Doctor, you'll find this as                  5 tab 22 in the Deposition Exhibits Binder and that                  6 should be Volume 1.                  7 EXHIBIT NO. 18: Dr. Gossett's article                  8 titled "Use of Powder in the Genital                  9 Area and Ovarian Cancer Risk, Examining                  10 the Evidence", tab 22, Deposition                  11 Exhibit Binder Volume 1.                  12 THE WITNESS: Okay, I have it.                  13 BY MR. ZELLERS:                  14 Q. Are you familiar with Dr. Dana                  15 Gossett?                  16 A. No, I am not. I looked her up,                  17 and she is a clinician and a gynaecologist                  18 obstetrician, as is the co-author, Dr. del Carmen.                  19 Q. Did you see that she is Vice Chair                  20 at UCSF Medical Centre?                  21 A. Vice Chair of what?                  22 Q. University of California, San                  23 Francisco Medical Centre, that she was the Vice                  24 Chair?                  25 A. I don't think she was the Vice</p>	<p>Page 132</p> <p>1 hysterectomy (nonpatent) and use                  2 powders in the genital area cannot                  3 be assumed to have started using                  4 them only after their surgeries - in                  5 fact, this is highly unlikely as                  6 women often begin use of powder in                  7 the genital area during                  8 adolescence."                  9 Did I read that correctly?                  10 A. Yes, you did.                  11 Q. Do you have any reason to disagree                  12 with that?                  13 MS. PARFITT: Objection to form.                  14 THE WITNESS: I don't disagree with                  15 that. I disagree with the inference that might be                  16 made from the way they phrased that argument,                  17 namely, the dichotomization -- do you need to deal                  18 with something? Is someone's phone ringing?                  19 Sorry, I hear a buzzing.                  20 Okay, I'm sorry, I'm sorry for that.                  21 MR. ZELLERS: Let's go off the record                  22 for just a second.                  23 [Discussion Off The Record.]                  24 BY MR. ZELLERS:                  25 Q. So we will continue. Dr.</p>
<p>Page 131</p> <p>1 Chair of the university. I think she was the Vice                  2 Chair of a Department of Obstetrics and Gynecology                  3 or something like that.                  4 Q. All right. Do you see or did you                  5 see in your review of her background that she is                  6 now Chair of the Department of Obstetrics and                  7 Gynecology at NYU Langone?                  8 A. Yes, I think I saw that.                  9 Q. Dr. Gossett discusses the                  10 migration of talc in her article here; is that                  11 right?                  12 A. I believe so. I am just looking                  13 for that section of her report.                  14 Q. Well, let me direct you, Doctor,                  15 and of course, you are free to look at anything you                  16 need to look at, but take a look on page 30 in the                  17 left-hand column, if you would, please.                  18 A. Yes.                  19 Q. So, Dr. Gossett is talking about                  20 patency and makes the statement:                  21 "However, it is not possible to                  22 equate a patent reproductive tract                  23 with exposure and a nonpatent                  24 reproductive tract with nonexposure.                  25 Women who undergo tubal ligation or</p>	<p>Page 133</p> <p>1 Siemiatycki --                  2 MS. PARFITT: Michael, he was in the                  3 middle of responding to a question.                  4 BY MR. ZELLERS:                  5 Q. I thought he had finished. Dr.                  6 Siemiatycki --                  7 A. I'm sorry, I didn't --                  8 Q. -- did you finish?                  9 A. I hadn't finished, I'm sorry.                  10 Q. All right, go ahead. I apologize                  11 and finish your answer.                  12 A. Okay, so what I -- one possible                  13 interpretation of the way they have phrased this is                  14 that the distinction between women with patent                  15 reproductive tracts and non-patent reproductive                  16 tracts has no bearing on exposure to talc                  17 particles, and I don't think that is what they                  18 meant, but I can easily see that that would be an                  19 interpretation.                  20 The women with patent reproductive                  21 tracts continue to be potentially exposed depending                  22 on their personal use of powdering products. The                  23 women who have -- do not have patent reproductive                  24 tracts, their point is well taken that some of -- a                  25 fraction of their lifetime exposure might have</p>

<p style="text-align: right;">Page 134</p> <p>1 occurred before any surgery to close up the                  2 reproductive tracts. And so they would still have                  3 accumulated a certain amount of exposure. They are                  4 not totally historically unexposed.                  5 Nevertheless, if you look at the entire                  6 group of women and follow them from, you know,                  7 early teens or adulthood use of powders to the age                  8 of getting ovarian cancer, if -- or not, at the                  9 point where they had surgery to close up the                  10 reproductive tracts, then their exposure would end,                  11 and therefore compared to a woman who started at                  12 the same time and remains with an open reproductive                  13 tract, they would have much less exposure.                  14 So it is not a sort of a black and                  15 white exposed, not exposed, but they would have                  16 much less exposure than the women who are bundled                  17 into the group of non-patent users of powders.                  18 BY MR. ZELLERS:                  19 Q. Doctor, did you rely on any                  20 studies or scientific articles for the assumptions                  21 that you have just told us about?                  22 A. So I haven't made --                  23 MS. PARFITT: Objection to form.                  24 THE WITNESS: I haven't made any                  25 assumptions. I have said that if two women --</p>	<p style="text-align: right;">Page 136</p> <p>1 was 57 years? Any reason to disagree with that?                  2 A. No, I would have no reason to                  3 disagree with that.                  4 MS. PARFITT: Objection to form.                  5 BY MR. ZELLERS:                  6 Q. Have you read in some of the                  7 papers that most women begin using talc early in                  8 life?                  9 A. Yes --                  10 MS. PARFITT: Objection to form.                  11 THE WITNESS: -- I have read it.                  12 BY MR. ZELLERS:                  13 Q. Have you seen or do you know from                  14 your experience that most women have tubal                  15 ligations or hysterectomies later in life after                  16 they are done having children?                  17 MS. PARFITT: Objection to form.                  18 THE WITNESS: Yes, agreed.                  19 BY MR. ZELLERS:                  20 Q. And that is discussed in the                  21 Gossett paper or article that we marked as Exhibit                  22 18; is that right?                  23 A. I'm sorry, can you point me to                  24 specific quotations in the article?                  25 Q. Well, let me withdraw that</p>
<p style="text-align: right;">Page 135</p> <p>1 BY MR. ZELLERS:                  2 Q. Doctor, my question is did you                  3 rely on any studies?                  4 MS. PARFITT: Michael, he is trying to                  5 answer your question.                  6 MR. ZELLERS: Then that is a question                  7 that he can answer yes or no. Did you rely on any                  8 studies --                  9 MS. PARFITT: It may not be. He is                  10 explaining. Go ahead, Dr. Siemiatycki. Answer the                  11 question.                  12 THE WITNESS: I didn't rely on any                  13 specific studies. I relied on common sense.                  14 BY MR. ZELLERS:                  15 Q. Do you agree, Dr. Siemiatycki,                  16 that it would be wrong to exclude a group of women                  17 from your meta-analysis who had substantial                  18 exposure to talcum powder?                  19 MS. PARFITT: Objection to form.                  20 THE WITNESS: It depends on the design                  21 of the study. Sometimes it would be wrong and                  22 sometimes it would be right.                  23 BY MR. ZELLERS:                  24 Q. Would you agree that the median                  25 age at baseline for the women in the O'Brien study</p>	<p style="text-align: right;">Page 137</p> <p>1 question. Let me ask this question, and I am going                  2 to read a sentence or -- I guess, a sentence from                  3 the Gossett article, and I am going to ask you at                  4 the end if you agree with it. So go to page 30 --                  5 MS. PARFITT: Michael -- okay.                  6 MR. ZELLERS: Yes, Ms. Parfitt, what?                  7 MS. PARFITT: Michael, you don't have                  8 to get stern. I was just trying to get the page                  9 number, and you just gave it to me. So I thank you                  10 for that. Yes, no need to get testy.                  11 MR. ZELLERS: I am not getting testy,                  12 but --                  13 MS. PARFITT: Okay. Thank you for the                  14 page number.                  15 BY MR. ZELLERS:                  16 Q. You are welcome. Dr. Siemiatycki,                  17 are you with me? Page 30, the left-hand column at                  18 the bottom.                  19 A. Yes.                  20 Q. And I am starting with:                  21 "The fact that [...]"                  22 I am reading from Dr. Gossett's                  23 article:                  24 "The fact that there are no                  25 significant differences in the</p>



<p style="text-align: right;">Page 138</p> <p>1 [hazard ratios] in the patent                  2 ([hazard ratio], 1.13 [95%                  3 [confidence interval], 1.01-1.26])                  4 and nonpatent subgroups ([hazard                  5 ratio], 0.99 [95% [confidence                  6 interval], 0.86-1.15]; P value for                  7 heterogeneity comparing these                  8 subgroups of .15) confirms the                  9 overall conclusion that there is no                  10 demonstrable statistically                  11 significant association between use                  12 of powder in the genital area and                  13 ovarian cancer risk. This is the                  14 key finding of the study."                  15 Do you agree with that statement?                  16 A. No, I don't.                  17 Q. All right. And why do you not                  18 agree with that statement?                  19 A. It reveals a shocking lack of                  20 understanding of statistical significance, and it                  21 is a classic example of what has been decried                  22 by...[inaudible].                  23 Q. Dr. Siemiatycki, you have frozen                  24 up, and I did not hear you. Let's go off the                  25 record. Oh, okay, now we have got him back.</p>	<p style="text-align: right;">Page 140</p> <p>1 O'Brien study?                  2 A. Yes. There are two reasons, not                  3 two other reasons. I believe so, that was the                  4 reason you just cited, but all leading                  5 statisticians would -- I am echoing what is the                  6 prevalent view among all sophisticated                  7 statisticians, and I would say that the difference                  8 between an HR of 1.13 and 0.99 in the two                  9 sub-groups is not proof that there is no                  10 statistical association between use of powder and                  11 ovarian cancer risk. It is using inappropriate                  12 inferences.                  13 Q. Doctor, I want to go to your                  14 meta-analysis, and you included in your main                  15 meta-analysis the data from the Schildkraut 2016                  16 paper; is that right?                  17 A. Yes, I did.                  18 Q. In "Schildkraut (2016)", and I am                  19 reading from your report:                  20 "The authors speculated that                  21 publicity surrounding two class                  22 action lawsuits on talc and ovarian                  23 cancer in 2014 may have subsequently                  24 included bias in the validity of                  25 reporting of talc exposure.</p>
<p style="text-align: right;">Page 139</p> <p>1 So, Dr. Siemiatycki, you froze. We did                  2 not hear your response. Can you repeat your                  3 answer?                  4 A. Am I still frozen?                  5 Q. No, you are -- we can hear you                  6 now.                  7 A. Okay. Thank you. So I was                  8 starting to say it reveals the lack of                  9 understanding of statistical significance, and it                  10 reveals why statistical associations like the                  11 American Statistical Association and leading                  12 epidemiologists and statisticians have decried the                  13 way statistical significance is used by -- in many                  14 domains to reach incorrect conclusions. And I have                  15 many examples. I had a couple of articles here --                  16 well, a statement by the American Statistical                  17 Association on P-values.                  18 Q. And, Doctor, we have seen that in                  19 your amended report.                  20 A. Okay.                  21 Q. So my question is other than you                  22 think that Dr. Gossett is misusing statistical                  23 significance, any other reason that you disagree                  24 with her conclusion that there is no difference                  25 between the non-patent and patent group in the</p>	<p style="text-align: right;">Page 141</p> <p>1 Consequently, in their analysis and                  2 report, they presented two sets of                  3 results, one for all women in the                  4 study, and another for those                  5 interviewed [after] 2014."                  6 Is that your understanding?                  7 A. Yes.                  8 Q. There is a difference in odds                  9 ratio between those interviewed before 2014 and                  10 those interviewed afterwards; is that right?                  11 A. Yes, that's correct.                  12 Q. Rather than using the sub-group                  13 from 2014, you chose to use the risk estimates from                  14 all of the Schildkraut 2016 data, both before 2014                  15 and after 2014; is that right?                  16 A. That's correct.                  17 Q. In doing so, you chose to ignore                  18 the authors' suspicions about that group that was                  19 exposed to all the publicity; is that right?                  20 MS. PARFITT: Objection to form.                  21 THE WITNESS: My answer would be                  22 similar to the one I gave a few minutes ago about                  23 the O'Brien study. I didn't ignore it. I was                  24 aware of it, and I carried out an analysis with the                  25 Schildkraut data from before 2014, and I presented</p>

<p style="text-align: right;">Page 142</p> <p>1 that in my report.</p> <p>2 So ignoring it is not a correct verb, I</p> <p>3 think, to describe what I did.</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. Well -- are you finished?</p> <p>6 A. Yes, I am. Go ahead.</p> <p>7 Q. Okay. Doing it the way you did,</p> <p>8 by including all of the data from Schildkraut both</p> <p>9 before 2014 and after 2014, that gave you a higher</p> <p>10 relative risk in your meta-analysis; is that</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 MS. PARFITT: Objection to form.</p> <p>14 BY MR. ZELLERS:</p> <p>15 Q. So when you included the O'Brien</p> <p>16 data, at least in your main meta-analysis you chose</p> <p>17 a sub-group, and when you included the Schildkraut</p> <p>18 data, you chose to include the entire group; is</p> <p>19 that accurate?</p> <p>20 A. Yes, that is.</p> <p>21 Q. All right. I want to ask you a</p> <p>22 couple of questions, Doctor, about dose-response.</p> <p>23 You are familiar with the concept dose-response?</p> <p>24 A. Yes.</p> <p>25 Q. Clearly you address it in your</p>	<p style="text-align: right;">Page 144</p> <p>1 A. In different contexts, yes.</p> <p>2 Q. Another study that you have</p> <p>3 referred to and let me ask you if you are familiar,</p> <p>4 Schildkraut -- it is actually by Davis, is the</p> <p>5 first author, and Schildkraut 2021. Are you</p> <p>6 familiar with that study?</p> <p>7 A. Probably, but if you could point</p> <p>8 me to it, it will jog my memory.</p> <p>9 Q. Sure. Take a look, if you will,</p> <p>10 at tab 19, Deposition Exhibit Binder 1, and we will</p> <p>11 mark the Davis and Schildkraut 2021 study as</p> <p>12 Exhibit 19 to this deposition.</p> <p>13 EXHIBIT NO. 19: Davis and Schildkraut</p> <p>14 2021 study, tab 19, Deposition Exhibit</p> <p>15 Binder 1.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. ZELLERS:</p> <p>18 Q. You reviewed this article; is that</p> <p>19 right?</p> <p>20 A. I read it, yes.</p> <p>21 Q. And you are also familiar with the</p> <p>22 Schildkraut 2016 meta-analysis; is that right?</p> <p>23 A. Meta --</p> <p>24 Q. Let me jog -- I'll jog your</p> <p>25 memory. The 2016 Schildkraut meta-analysis, we</p>
<p style="text-align: right;">Page 143</p> <p>1 amended report and also your original report. Is</p> <p>2 it accurate, Doctor, that Health Canada did not</p> <p>3 find a clear dose-response between talcum powder</p> <p>4 use and ovarian cancer?</p> <p>5 MS. PARFITT: Objection to form.</p> <p>6 THE WITNESS: Okay, do you have a</p> <p>7 particular page --</p> <p>8 BY MR. ZELLERS:</p> <p>9 Q. I do, Doctor. I can help you, I</p> <p>10 think. Go to the Health Canada report. We marked</p> <p>11 that as Exhibit 12. That is tab 23 in your binder.</p> <p>12 And take a look specifically at page 33.</p> <p>13 A. Yes, I have it.</p> <p>14 Q. Health Canada states or concludes:</p> <p>15 "Collectively, there is</p> <p>16 significant exposure information</p> <p>17 lacking to permit a fulsome</p> <p>18 assessment of biological gradient."</p> <p>19 Do they make that statement?</p> <p>20 A. Yes, they do.</p> <p>21 Q. Biological gradient is</p> <p>22 dose-response; correct?</p> <p>23 A. They are used interchangeably,</p> <p>24 yes.</p> <p>25 Q. All right.</p>	<p style="text-align: right;">Page 145</p> <p>1 referred to it in the last set of questions, but</p> <p>2 that is a study that you rely on for your opinion</p> <p>3 that there is a dose-response. Does that refresh</p> <p>4 your recollection?</p> <p>5 A. Excuse me, so I don't think it is</p> <p>6 a meta-analysis that you are referring to.</p> <p>7 Q. Doctor, I misspoke and I am sorry.</p> <p>8 The Schildkraut 2016 study.</p> <p>9 A. Yes.</p> <p>10 Q. And you are familiar with that</p> <p>11 study, and you use it as a basis for your opinion</p> <p>12 that there is a dose-response with talcum powder</p> <p>13 and the incidence of ovarian cancer; correct?</p> <p>14 A. Yes, I used that, yes.</p> <p>15 Q. This article that we have marked</p> <p>16 as Exhibit 19, which is Davis and Schildkraut 2021,</p> <p>17 are you familiar with the article?</p> <p>18 A. You know, I have read it. I just</p> <p>19 received it a few days ago, and I have read it.</p> <p>20 And I haven't completely digested it, but I know</p> <p>21 what it is about.</p> <p>22 Q. All right. Let me just go through</p> <p>23 a couple of the high points with you and ask you a</p> <p>24 couple of questions. So Schildkraut and Davis were</p> <p>25 studying in this 2021 article the potential</p>

<p>Page 146</p> <p>1 connection between talc and ovarian cancer in the                  2 African-American population; is that right? And I                  3 am reading and looking at "Background", page 1                  4 under the abstract.                  5 A. Yes.                  6 Q. And one of the things that the                  7 authors concluded in the paper was that                  8 African-American women use talcum powder more often                  9 than white women; is that correct?                  10 A. Yes, I believe so.                  11 Q. Under "Results", they talk about:                  12 "The prevalence of ever genital                  13 powder use for cases was 35.8                  14 percent among African-American women                  15 and 29.5 percent among White women."                  16 Again, reading from the "Results" in                  17 the abstract; is that correct?                  18 A. Yes.                  19 Q. In this paper, this Davis and                  20 Schildkraut paper, they found no dose-response; is                  21 that correct?                  22 MS. PARFITT: Objection to form.                  23 THE WITNESS: I would have to look at                  24 the results.                  25 BY MR. ZELLERS:</p>	<p>Page 148</p> <p>1 that right?                  2 MS. PARFITT: Objection to form.                  3 THE WITNESS: Yes, the sentence you                  4 read differs from the conclusions of the                  5 Schildkraut 2016 paper.                  6 BY MR. ZELLERS:                  7 Q. Look at the "Conclusions", Doctor,                  8 if you will, and I am back to the abstract on page                  9 1. Have you found that?                  10 A. Yes, I have.                  11 Q. The Schildkraut and Davis authors                  12 found that even though African-American women use                  13 talc more than white women, they found no                  14 statistically significant association in                  15 African-American women, but they did find in white                  16 women, right?                  17 MS. PARFITT: Objection to form. Is                  18 that what it says, or is that does he agree?                  19 BY MR. ZELLERS:                  20 Q. Well, let me withdraw that. Let                  21 me -- I am going to read you the first sentence of                  22 the "Conclusions" and ask if I have read it                  23 correctly and if you agree.                  24 "Conclusions.                  25 While genital powder use was</p>
<p>Page 147</p> <p>1 Q. Yeah, take a look under                  2 "Discussion", page 4, and I am looking at the end                  3 of the first paragraph under "Discussion",                  4 right-hand column.                  5 A. Okay. Sorry, I was looking at the                  6 tables themselves, but -- so you are saying in the                  7 "Discussion" section.                  8 Q. So page 4, "Discussion".                  9 A. My numbering of pages is not the                  10 same as yours, so --                  11 Q. Oh, I'm sorry. Do you find                  12 "Discussion"?                  13 A. Yes, I have got it.                  14 Q. And the last sentence in the first                  15 paragraph under "Discussion", the authors state:                  16 "There was not a dose-response                  17 relationship regarding frequency or                  18 duration of genital powder use and                  19 ovarian cancer among                  20 [African-American] or White women."                  21 Did I read that correctly?                  22 A. You read that correctly.                  23 Q. That finding is contrary to the                  24 finding that we discussed previously in the 2016                  25 Schildkraut study with respect to dose-response; is</p>	<p>Page 149</p> <p>1 more prevalent among                  2 African-American women, the                  3 associations between genital powder                  4 use and ovarian cancer risk were                  5 similar across race and did not                  6 materially vary by histotype."                  7 Did I read that correctly?                  8 A. You read that correctly.                  9 Q. Now, that is not what you would                  10 expect if talcum powder was causing ovarian cancer;                  11 correct?                  12 MS. PARFITT: Objection to form.                  13 THE WITNESS: No, not correct.                  14 BY MR. ZELLERS:                  15 Q. Well, wouldn't you expect that in                  16 the population -- or let me withdraw. Wouldn't you                  17 expect that ovarian cancer rate would be higher in                  18 the African-American population if that population                  19 in fact uses more talcum powder?                  20 A. What you just said might be a                  21 rational way to express it, but that is not what                  22 they said. That is not what their sentence says.                  23 Their sentence says the relationship between talc                  24 and ovarian cancer does not differ between the                  25 races. They did not say that the risk of ovarian</p>

<p style="text-align: right;">Page 150</p> <p>1 cancer does not vary between the races.                  2 So if African-American women have                  3 higher use of -- have higher risk factors than                  4 white women, we would expect the rates of ovarian                  5 cancer to be higher among African-American women.                  6 But the relationship between -- the relative risks                  7 between talc use and ovarian cancer might not                  8 differ at all. It is the difference between two                  9 concepts in epidemiology. One is relative risk,                  10 and the other is effect modification. Those are                  11 different issues, but I don't want to go down that                  12 rabbit hole, I don't think.                  13 Q. All right. Doctor, you are                  14 familiar with IARC and served as a member of the                  15 IARC scientific council for some period of time; is                  16 that right?                  17 A. That's right.                  18 Q. When did your time serving on the                  19 IARC scientific council end?                  20 A. Approximately 2010.                  21 MS. PARFITT: Objection to form.                  22 BY MR. ZELLERS:                  23 Q. And I am confused a bit in that                  24 you were listed as a member of the working group                  25 for the 2012 monograph. Number one, are you aware</p>	<p style="text-align: right;">Page 152</p> <p>1 by "service to IARC". So I was no longer on the                  2 scientific council, but I -- over the past 40                  3 years, I have been called on by IARC to serve on                  4 various ad hoc committees and expert panels and                  5 collaborations. So, you know, things can come up                  6 periodically where they ask me to sit in for a year                  7 on a committee or not.                  8 BY MR. ZELLERS:                  9 Q. All right, fair enough. Let me be                  10 a little more precise then. You served on the                  11 working group and actually were Chair of the                  12 working group in 2006 that looked at the perineal                  13 use of talcum powder; correct?                  14 A. That's correct.                  15 Q. And you served as a member of the                  16 working group in 2012 that looked at the issue of                  17 asbestos and cancer risk; correct?                  18 A. Correct, but I am not sure of the                  19 date. The --                  20 Q. Understood. There was a monograph                  21 that was published in 2012. Your work may have                  22 preceded that; correct?                  23 A. That's right.                  24 Q. All right. And have you been --                  25 MS. PARFITT: And Michael, Mr. Zellers,</p>
<p style="text-align: right;">Page 151</p> <p>1 of the 2012 IARC monograph dealing with asbestos?                  2 A. Yes.                  3 Q. Were you a member of the working                  4 group that analyzed that issue?                  5 A. Yes.                  6 Q. Is your testimony that your role                  7 in analyzing that issue ended around 2010, or did                  8 you continue with IARC for some period beyond that?                  9 A. Those two things are completely                  10 independent of each other. Serving on the                  11 scientific council and serving on a working group                  12 for a monograph have nothing to do with each other.                  13 But to answer your question, I can look                  14 up my CV and look for exact dates, but I don't                  15 remember whether I was still a member of the                  16 scientific council when I was on that working group                  17 or not.                  18 Q. Fair enough, Doctor, and we can go                  19 and we can look at your CV and get an answer to                  20 that. It is fair to state that when you were first                  21 deposed -- let me withdraw that. When you prepared                  22 your original report November of 2018, you had long                  23 left any service with IARC; correct?                  24 MS. PARFITT: Objection to form.                  25 THE WITNESS: It depends what you mean</p>	<p style="text-align: right;">Page 153</p> <p>1 I am going to stop at this point in time, again,                  2 unless there is a question about that post-dates                  3 January of 2019 when he was deposed. These                  4 questions about the 2010 and 2012 monograph were                  5 discussed previously.                  6 MR. ZELLERS: Well, actually, 2012 was                  7 not, but, Michelle, this is foundation for the                  8 statements and the references to IARC that are                  9 contained in the Doctor's amended report. So I am                  10 mindful of your objection.                  11 MS. PARFITT: All right, I appreciate                  12 that.                  13 BY MR. ZELLERS:                  14 Q. But let me ask a couple of other                  15 foundational questions. You are not today speaking                  16 on behalf of IARC; correct?                  17 A. Correct.                  18 Q. And you are not speaking on behalf                  19 of IARC either when you prepared your original                  20 report in November of 2018 or your amended report                  21 in June of 2012; is that right?                  22 A. Correct. I think you mean June                  23 2021.                  24 Q. Yes, I do, Doctor. Thank you for                  25 correcting the record on that. In your 2019</p>

<p style="text-align: right;">Page 154</p> <p>1 deposition, MDL deposition, you stated that you had                  2 a quick word with Kurt Straif at IARC about another                  3 complete evaluation of talc. Do you recall                  4 generally that testimony or at least having a quick                  5 word with Kurt Straif?                  6 A. Yes, I remember having a word with                  7 him about it.                  8 Q. And who is Kurt Straif?                  9 A. I think the correct question is                  10 who was he at the time. He is a scientist. He is                  11 an epidemiologist. And he was the Director of the                  12 IARC monograph program for, you know, probably 6 or                  13 7 years during the teens, and he was in 2018 or                  14 '19, when I had a word with him about it. He is no                  15 longer the Director of that program. He has moved                  16 somewhere else.                  17 Q. I'll go back to look at your CV,                  18 but you have not been involved in any analysis by                  19 IARC of talc or asbestos after the 2012 monograph                  20 was published; correct?                  21 A. That's correct.                  22 Q. Now, in 2019 when you were                  23 deposed, you said that you had a quick word with                  24 Kurt Straif and that you were going to submit or                  25 might submit a more formal proposal. Did you ever</p>	<p style="text-align: right;">Page 156</p> <p>1 think it is in the -- actually, I don't remember                  2 mentioning it in this. You say that I mentioned it                  3 in my report; is that correct? I might have, but I                  4 don't remember.                  5 Q. I believe I saw that, and we can                  6 take a look under "Materials Considered", if need                  7 be. But let me ask you first, are you familiar                  8 with that commentary --                  9 A. Yes, I am.                  10 Q. -- by Samet?                  11 MS. PARFITT: Objection to form.                  12 Objection to form. You need it in front of you,                  13 Dr. Siemiatycki.                  14 THE WITNESS: So I am familiar with it,                  15 but it is not fresh in my mind.                  16 BY MR. ZELLERS:                  17 Q. Then I'll be very general with my                  18 questions. Do you agree that simply calling                  19 something carcinogenic in the absence of                  20 epidemiological or experimental data would not be                  21 scientifically valid?                  22 MS. PARFITT: Objection to form.                  23 THE WITNESS: So I think that most                  24 cancer scientists would agree that in the absence                  25 of epidemiologic evidence, it is possible to</p>
<p style="text-align: right;">Page 155</p> <p>1 submit a more formal proposal to IARC about the                  2 study or evaluation of talc as a possible                  3 carcinogen?                  4 A. No, I didn't. I didn't. I heard                  5 subsequently that they had put it on a list of                  6 topics to address in the future. They have, I                  7 think, five-year plans that they lay out, and they                  8 invite all interested parties to submit suggestions                  9 of agents to evaluate or occupations or industries                  10 to evaluate. And I learned, I can't remember when,                  11 that they had put talc on such a list. I have no                  12 idea at this point where it is in their priorities.                  13 I think they get a lot of requests from different                  14 interests to evaluate different agents.                  15 Q. And I think you refer to this IARC                  16 advisory group on page 70 of your amended report;                  17 does that sound right?                  18 A. I'll have a quick look. I guess                  19 so, yes.                  20 Q. All right. You also reference in                  21 your amended report a commentary by Samet                  22 discussing IARC's ongoing role in the scientific                  23 review and evaluation of carcinogenic hazards by                  24 experts; is that right?                  25 A. I think so. Do you know where? I</p>	<p style="text-align: right;">Page 157</p> <p>1 declare an agent as carcinogenic under certain                  2 circumstances.                  3 BY MR. ZELLERS:                  4 Q. Your testimony is in the absence                  5 of epidemiological and experimental data?                  6 A. Oh, no, sorry, maybe restate your                  7 question? Maybe I misunderstood it.                  8 Q. Well -- and we are getting toward                  9 the end, so maybe I wasn't as precise. Do you                  10 agree that simply calling something carcinogenic in                  11 the absence of epidemiological or experimental data                  12 would not be scientifically valid?                  13 A. Yes, I think so.                  14 MS. PARFITT: Objection to form.                  15 BY MR. ZELLERS:                  16 Q. You would not condone or approve                  17 of calling something a human carcinogen just                  18 because it grows in the asbestiform habit if there                  19 has been no scientific study to support that;                  20 correct?                  21 MS. PARFITT: Objection to form.                  22 THE WITNESS: Well, I think that one                  23 would have to examine the consequences of the                  24 statement that it grows in the asbestiform habit                  25 and how that relates to known carcinogenesis of</p>



<p style="text-align: right;">Page 158</p> <p>1 asbestos or any of the types of asbestos.</p> <p>2 But -- so if you are asking a generic</p> <p>3 question about whether something that has some</p> <p>4 characteristics in common with a carcinogen should</p> <p>5 be labelled as a carcinogen, my answer is no. But</p> <p>6 if something that looks like a carcinogen and has</p> <p>7 some critical biological effects that resemble</p> <p>8 those of the known carcinogen, then you could make</p> <p>9 a case for it. I would certainly not put it into</p> <p>10 the same level of evidence as an agent which has</p> <p>11 been evaluated and shown to be carcinogenic in</p> <p>12 itself, either in human or animal systems.</p> <p>13 BY MR. ZELLERS:</p> <p>14 Q. The bottom line is you need</p> <p>15 epidemiologic data or experimental data to support</p> <p>16 that a mineral is carcinogenic; correct?</p> <p>17 MS. PARFITT: Objection to form,</p> <p>18 misstates his testimony.</p> <p>19 THE WITNESS: Correct.</p> <p>20 BY MR. ZELLERS:</p> <p>21 Q. All right. Doctor, do you agree</p> <p>22 that it would not be scientifically valid to call</p> <p>23 fibrous minerals a carcinogen until there has been</p> <p>24 some study?</p> <p>25 MS. PARFITT: Objection to form.</p>	<p style="text-align: right;">Page 160</p> <p>1 course.</p> <p>2 MR. ZELLERS: Dr. Siemiatycki, ten</p> <p>3 minutes good?</p> <p>4 THE WITNESS: As you wish. I am fine,</p> <p>5 thank you.</p> <p>6 MR. ZELLERS: Let's come back in ten</p> <p>7 minutes. Thank you.</p> <p>8 -- RECESSED AT 2:32 P.M.</p> <p>9 -- RESUMED AT 2:47 P.M.</p> <p>10 BY MR. ZELLERS:</p> <p>11 Q. Dr. Siemiatycki, one last question</p> <p>12 before I turn it over to counsel for the</p> <p>13 Plaintiffs, if they have any questions. Have you</p> <p>14 made any attempt to publish either your report or</p> <p>15 your meta-analysis that you have testified about</p> <p>16 here today?</p> <p>17 A. No, I haven't, not yet.</p> <p>18 Q. You have not submitted it to any</p> <p>19 journals?</p> <p>20 A. No, I have not.</p> <p>21 MR. ZELLERS: I have no further</p> <p>22 questions for you at this time, subject to a few</p> <p>23 more questions when Ms. Parfitt or Mr. Tisi are</p> <p>24 finished examining.</p> <p>25 EXAMINATION BY MS. PARFITT:</p>
<p style="text-align: right;">Page 159</p> <p>1 THE WITNESS: Yes. I am cognizant of</p> <p>2 the fact that the terminology around fibrous</p> <p>3 minerals has been evolving over the past 30 years,</p> <p>4 and I am not up to date with the latest usages and</p> <p>5 so on. But in general, I would agree with what you</p> <p>6 just said.</p> <p>7 BY MR. ZELLERS:</p> <p>8 Q. I understand IARC may look, you</p> <p>9 know, in the future at more of these issues, and</p> <p>10 you have cited, you know, both on page 70, the</p> <p>11 advisory group and then you are familiar at least</p> <p>12 with the Samet commentary. It is true, though,</p> <p>13 that IARC, at least in the working groups you were</p> <p>14 involved in, did not cite to any studies showing</p> <p>15 that asbestiform or fibrous talc were carcinogenic;</p> <p>16 correct?</p> <p>17 MS. PARFITT: Objection to form.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 BY MR. ZELLERS:</p> <p>20 Q. All right. Ms. Parfitt, let's</p> <p>21 take a break. I think I'm essentially finished,</p> <p>22 but I would like to check with my co-counsel here.</p> <p>23 So can we take, what, a five,</p> <p>24 ten-minute break?</p> <p>25 MS. PARFITT: Sure, of course. Of</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Very good. Thank you. Dr.</p> <p>2 Siemiatycki, if you would take your report, your</p> <p>3 amended report, which is dated 2021, June 30, if</p> <p>4 you would get that out, sir.</p> <p>5 A. Yes.</p> <p>6 Q. All right. If you turn to page 66</p> <p>7 of your report.</p> <p>8 A. Yes.</p> <p>9 Q. All right. Under the category of</p> <p>10 "Biological plausibility", the first paragraph, are</p> <p>11 you there?</p> <p>12 A. Yes, I am.</p> <p>13 Q. It starts with "The first thing</p> <p>14 [...]"; do you see that?</p> <p>15 A. Yes, I do see that.</p> <p>16 Q. All right. It reads:</p> <p>17 "The first thing to note about</p> <p>18 this aspect that Bradford Hill</p> <p>19 listed is that it is called</p> <p>20 'biological plausibility', not</p> <p>21 'biological proof'."</p> <p>22 Do you still agree with that statement?</p> <p>23 A. Yes, I do.</p> <p>24 Q. So your opinion is there is a</p> <p>25 distinction between biological plausibility and</p>

<p style="text-align: right;">Page 162</p> <p>1 biological proof; correct?</p> <p>2 A. Correct.</p> <p>3 Q. All right. And it is your opinion</p> <p>4 that the Bradford Hill principles suggest it is</p> <p>5 biological plausibility, not biological proof;</p> <p>6 correct?</p> <p>7 A. The Bradford Hill considerations</p> <p>8 concern biological plausibility. He never referred</p> <p>9 to biological proof.</p> <p>10 Q. All right. If you'll turn to the</p> <p>11 next page, page 67 of your expert report, 2021.</p> <p>12 Are you there?</p> <p>13 A. Yes, I am.</p> <p>14 Q. All right. And the first full</p> <p>15 paragraph, it starts "As indicated [...]"; are you</p> <p>16 there?</p> <p>17 A. Yes, I am.</p> <p>18 Q. In the context of biological</p> <p>19 plausibility, you state:</p> <p>20 "As indicated above, commercial</p> <p>21 cosmetic talcum powder products may</p> <p>22 contain established carcinogens such</p> <p>23 as asbestos, asbestiform talc, and</p> <p>24 some heavy metals."</p> <p>25 Do you still agree with that statement?</p>	<p style="text-align: right;">Page 164</p> <p>1 numerous questions by Mr. Zellers. Is there</p> <p>2 anything or any question or issue raised by Mr.</p> <p>3 Zellers that changes your opinion that the use of</p> <p>4 talcum powder products can cause ovarian cancer?</p> <p>5 A. No, nothing has changed my mind.</p> <p>6 MS. PARFITT: Okay, with that, I have</p> <p>7 no further questions. Thank you so much, Dr.</p> <p>8 Siemiatycki. Mr. Zellers.</p> <p>9 MR. ZELLERS: Yes, and, Ms. Parfitt,</p> <p>10 thank you. Give me one minute just to consult with</p> <p>11 my co-counsel here, if you will?</p> <p>12 MS. PARFITT: Of course.</p> <p>13 MR. ZELLERS: Thank you.</p> <p>14 MS. PARFITT: Thank you.</p> <p>15 -- RECESSED AT 2:52 P.M.</p> <p>16 -- RESUMED AT 2:53 P.M.</p> <p>17 MR. ZELLERS: Let's go back on the</p> <p>18 record. Doctor, I have no further questions for</p> <p>19 you today. Thank you for your time.</p> <p>20 THE WITNESS: Thank you very much, Mr.</p> <p>21 Zellers.</p> <p>22 MS. PARFITT: Thank you all.</p> <p>23</p> <p>24 -- Adjourned at 2:53 p.m.</p> <p>25</p>
<p style="text-align: right;">Page 163</p> <p>1 MR. ZELLERS: Objection, form.</p> <p>2 THE WITNESS: Yes, I do.</p> <p>3 BY MS. PARFITT:</p> <p>4 Q. All right. You then go on to say</p> <p>5 and you opine that:</p> <p>6 "It is biologically plausible</p> <p>7 that some of these, in contact with</p> <p>8 the ovaries, can initiate tumors."</p> <p>9 Did I read that correctly?</p> <p>10 MR. ZELLERS: Objection. Go ahead</p> <p>11 answer that question, Doctor.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. PARFITT:</p> <p>14 Q. Again, I said:</p> <p>15 "It is biologically plausible</p> <p>16 that some of these, in contact with</p> <p>17 the ovaries, can initiate tumors."</p> <p>18 Did I read that correctly?</p> <p>19 A. Yes, you did.</p> <p>20 Q. Is that still your opinion?</p> <p>21 MR. ZELLERS: Objection, form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MS. PARFITT:</p> <p>24 Q. Dr. Siemiatycki, during the course</p> <p>25 of the last three or so, four hours, you were asked</p>	<p style="text-align: right;">Page 165</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2 CANADA )</p> <p>3 PROVINCE OF ONTARIO )</p> <p>4</p> <p>5 I, Deana Santedicola, the officer before whom the</p> <p>6 foregoing deposition was taken, do hereby certify</p> <p>7 that the witness whose testimony appears in the</p> <p>8 foregoing deposition was duly sworn by me; that the</p> <p>9 testimony of said witness was taken by me in</p> <p>10 shorthand, using Computer Aided Realtime, to the</p> <p>11 best of my ability and thereafter reduced to</p> <p>12 written format under my direction; that reading and</p> <p>13 signing was requested; that I am neither counsel</p> <p>14 for, related to, nor employed by any of the parties</p> <p>15 to the action in which the deposition was taken,</p> <p>16 and further that I am not related or any employee</p> <p>17 of any attorney or counsel employed by the parties</p> <p>18 thereto, nor financially or otherwise interested in</p> <p>19 the outcome of the action.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 Deana Santedicola, RPR, CRR, CSR (Ont.)</p> <p>25 Commissioner for taking</p> <p>oaths in the Province of Ontario</p>

<p style="text-align: right;">Page 166</p> <p>1 INSTRUCTION TO WITNESS</p> <p>2</p> <p>3 Read your deposition over carefully. It</p> <p>4 is your right to read your deposition and make</p> <p>5 changes in form or substance. You should assign a</p> <p>6 reason in the appropriate column on the erratum</p> <p>7 sheet for any change made.</p> <p>8 After making any changes in form or</p> <p>9 substance, and which have been noted on the</p> <p>10 following erratum sheet, along with the reason for</p> <p>11 any change, sign your name on the erratum sheet and</p> <p>12 date it.</p> <p>13 Then sign your deposition at the end of</p> <p>14 your testimony in the space provided. You are</p> <p>15 signing it subject to the changes you have made in</p> <p>16 the erratum sheet, which will be attached to the</p> <p>17 deposition before filing. You must sign it in</p> <p>18 front of a witness. The witness need not be a</p> <p>19 notary public. Any competent adult may witness</p> <p>20 your signature.</p> <p>21 Return the original erratum sheet</p> <p>22 promptly. Court rules require filing within 30</p> <p>23 days after you receive the deposition.</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 168</p> <p>1 PROVINCE OF QUEBEC )</p> <p>2 MONTREAL REGION )</p> <p>3</p> <p>4 I, the undersigned, declare under</p> <p>5 penalty of perjury that I have read the foregoing</p> <p>6 transcript, and I have made any corrections,</p> <p>7 additions or deletions that I was desirous of</p> <p>8 making;</p> <p>9 That the foregoing is a true and</p> <p>10 correct transcript of my testimony contained</p> <p>11 therein.</p> <p>12 _____</p> <p>13 (WITNESS)</p> <p>14</p> <p>15 Subscribed and sworn to before me this ____</p> <p>16 day of _____, 2021 at</p> <p>17 _____,</p> <p>18 (City) (Province)</p> <p>19 _____</p> <p>20 (Notary Public)</p> <p>21 My Commission Expires: _____</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 167</p> <p>1 *** ERRATA SHEET ***</p> <p>2</p> <p>3 NAME OF CASE: IN RE JOHNSON &amp; JOHNSON TALCUM</p> <p>4 POWDER PRODUCTS MARKETING, SALES PRACTICES, AND</p> <p>5 PRODUCTS LIABILITY LITIGATION</p> <p>6 DATE OF DEPOSITION: SEPTEMBER 21, 2021</p> <p>7 NAME OF WITNESS: JACK SIEMIATYCKI, MSc, PhD</p> <p>8 PAGE LINE FROM TO</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 NAME</p> <p>23 Subscribed and sworn to before me</p> <p>24 this ____ day of _____, 2021.</p> <p>25 _____</p> <p>(Notary Public)</p> <p>My Commission Expires: _____</p>	